



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, September 12, 2007
Immediately following the
Special Call CRA Meeting
Lake Park Town Hall
535 Park Avenue

Paul Castro	—	Mayor
Edward Daly	—	Vice-Mayor
G. Chuck Balius	—	Commissioner
Jeff Carey	—	Commissioner
Patricia Osterman	—	Commissioner
.....		
Maria V. Davis	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian Mendez	—	Town Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE
- D. ROLL CALL
- E. ADDITIONS/DELETIONS - APPROVAL OF AGENDA
- F. PROCLAMATION:
Stephen E. Smith

Code Compliance Board Members – Barbara Bursey; Christina Catasus; Genanne Doughty; Desca DuBois; Alvin Feinstein; Otto Fernandez; Helen Hironimus; Robin Maibach

G. PUBLIC and OTHER COMMENT

This time is provided for audience members to address items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember, comments are limited to a TOTAL of three minutes.

H. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:

- I. CONSENT AGENDA:** All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located in the rear of the Chambers and give it to the Town Clerk. Cards must be submitted before the item is discussed.

For Approval:

1. Regular Commission Meeting Minutes of August 1, 2007 Tab 1
2. Budget Workshop Meeting Minutes of August 8, 2007 Tab 2
3. Resolution No. 64-09-07 Organized Crime Group Prevention Act of 2007 Tab 3
4. Resolution No. 71-09-07 Authorization of Signatories for Town Bank Account Tab 4
5. Resolution No. 73-09-07 Abandonment of Real Property Located at 854 Hawthorne Dr. Tab 5
6. Resolution No. 67-09-07 Silver Beach Road Lighting Interlocal Agreement. Tab 6

J. PUBLIC HEARING(S)

RESOLUTION:

7. RESOLUTION NO. 68-09-07 Sanitation Rates

A RESOLUTION OF THE COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA; ESTABLISHING THE SCHEDULE OF FEES AND CHARGES FOR RESIDENTIAL, GOVERNMENTAL AND COMMERCIAL REFUSE AND RECYCLABLES COLLECTION SERVICES; PROVIDING FOR LATE FEES, FREQUENCY OF BILLING AND OTHER MATTERS RELATING TO COLLECTION POLICY; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE. Tab 7

K. ORDINANCES ON FIRST READING:

8. ORDINANCE NO. 23-2007 Millage Rate

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING A MILLAGE RATE FOR THE TOWN OF LAKE PARK FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008; STATING THE ROLLED-BACK RATE FOR THE TOWN OF LAKE PARK; STATING THE PERCENT BY WHICH THE TOWN MILLAGE RATE EXCEEDS, IF ANY, THE ROLLED-BACK MILLAGE RATE; AND LEVYING FOR AD VALOREM TAXES ON ALL TAXABLE REAL AND TANGIBLE PERSONAL PROPERTY IN THE TOWN OF LAKE PARK FOR FISCAL YEAR 2007/2008; PROVIDING FOR AN

9. ORDINANCE NO. 24-2007 Budget

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, MAKING SEPARATE AND SEVERAL APPROPRIATIONS FOR ITS NECESSARY OPERATING EXPENSES, THE EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE TOWN FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008, AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

Tab 9

10. ORDINANCE NO. 25-2007 Budget Amendment

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN BUDGET FOR FISCAL YEAR 2006-2007 AS PREVIOUSLY ADOPTED BY ORDINANCE NO. 9-2006; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Tab 10

QUASI-JUDICIAL HEARING:

11. ORDINANCE NO. 26-2007 Rezoning for Kohl's Department Store

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF LAKE PARK, FLORIDA REZONING APPROXIMATELY A 14.73 ACRE PARCEL OF LAND OWNED BY CONGRESS AVENUE PROPERTIES LIMITED, AND GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF WATER TOWER ROAD AND CONGRESS AVENUE WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF LAKE PARK, AS DEPICTED ON THE LOCATION MAP ATTACHED HERETO (EXHIBIT "B"), AND AS IS MORE PARTICULARLY DESCRIBED HEREIN AND ON EXHIBIT "A" ATTACHED HERETO, FROM A ZONING DESIGNATION OF C-4 BUSINESS DISTRICT TO C-2 BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Tab 11

ORDINANCES ON SECOND READING:

12. ORDINANCE NO. 20-2007 Citations

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 9, ARTICLE III, OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, FLORIDA BY AMENDING SECTION 9-71 ENTITLED "ENFORCEMENT PROCEDURES AND STANDARDS"; AND REPEALING SECTION 9-72 ENTITLED "NOTICE TO APPEAR"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Tab 12

13. ORDINANCE NO. 21-2007 Amending Chapter 54 to Correct Miscellaneous Errors.

A ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 54, SECTION 54-81 ENTITLED

“PROPERTY MAINTENANCE STANDARDS, GENERALLY”; SECTION 54-82 ENTITLED “BOARDED UP BUILDINGS, HURRICANE SHUTTER REMOVAL REQUIRED”; SECTION 54-131 ENTITLED “NUISANCE DECLARED”; SECTION 54-132 ENTITLED “NUISANCE TO BE ABATED”; AMENDING SECTION 54-133 ENTITLED “PROCEDURE FOR ABATEMENT OF NUISANCE”; SECTION 54-134 ENTITLED “APPEAL PROCEDURE”; PROVIDING FOR SEVERABILITY, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. Tab 13

14. ORDINANCE NO. 22-2007 Business Tax Increase

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN’S CODE OF ORDINANCE CHAPTER 28, TO RE-CLASSIFY BUSINESSES, OCCUPATIONS AND PROFESSIONS BY CATEGORY, TO ELIMINATE THE LISTING OF CERTAIN ARCHAIC AND OBSOLETE BUSINESSES, AND TO INCREASE THE BUSINESS TAX CHARGED FOR THE PRIVILEGE OF ENGAGING IN A BUSINESS, PROFESSION, OR OCCUPATION WITHIN THE TOWN OF LAKE PARK BY AMENDING SECTION 28-41 ENTITLED “SCHEDULE OF FEES AND REGULATIONS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. Tab 14

L. RESOLUTION(S):

QUASI-JUDICIAL HEARING

15. RESOLUTION NO. 66-09-07 Julius Automotive

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING THE APPLICATION OF THE PROPERTY OWNER, JULIUS AUTOMOTIVE GROUP, INC., SUBMITTED BY THE SEMINOLE BAY LAND COMPANY, AS THE AGENT FOR THE PROPERTY OWNER, FOR A SPECIAL EXCEPTION FOR A 3,744 SQUARE FOOT AUTOMOBILE SALES AND REPAIR SERVICE USE, TO BE LOCATED AT 900 OLD DIXIE HIGHWAY IN THE C-4 COMMERCIAL ZONING DISTRICT; AND ESTABLISHING AN EFFECTIVE DATE. Tab 15

16. RESOLUTION NO. 59-08-07 Forming an Independent Non-Profit 501(c)(3) Organization

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE TOWN MANAGER TO SIGN AND SUBMIT THE ARTICLES OF INCORPORATION FOR THE LAKE PARK COMMUNITY DEVELOPMENT CORPORATION, INC. FOR THE PURPOSE OF APPLYING FOR FUNDING FOR COMMUNITY DEVELOPMENT PROJECTS, PROGRAMS AND ACTIVITIES. Tab 16

17. RESOLUTION NO. 63-08-07 Addendum to Hy-Bryd Contract

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR TO

EXECUTE CONTRACT ADDENDUM NO. 2 BETWEEN THE TOWN OF LAKE PARK AND HY-BYRD INC., TO PROVIDE FOR THE INSPECTION AND RE-INSPECTION FEES TO BE CHARGED BY HY-BYRD INC., TO THE TOWN FOR INSPECTIONS CONDUCTED IN CONNECTION WITH THE ISSUANCE OF BUSINESS TAX RECEIPTS BY THE TOWN; AND PROVIDING AN EFFECTIVE DATE.

Tab 17

18. RESOLUTION NO. 65-09-07 Citation Fees

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING A REVISED FINE SCHEDULE FOR VARIOUS VIOLATIONS OF THE TOWN'S CODE OF ORDINANCES, AND A FORM OF CITATION TO BE USED AS AN ADDITIONAL METHOD OF CODE ENFORCEMENT, BOTH OF WHICH ARE ATTACHED HERETO AS EXHIBIT "A"; AND PROVIDING AN EFFECTIVE DATE.

Tab 18

19. RESOLUTION NO. 69-09-07 Employee Benefits Package

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING THE TOWN MANAGER TO A EXECUTE CONTRACT WITH BLUE CROSS BLUE SHIELD OF FLORIDA FOR EMPLOYEE HEALTH INSURANCE COVERAGE AND A CONTRACT WITH THE CENTER FOR FAMILY SERVICES OF PALM BEACH COUNTY INC. FOR AN EMPLOYEE ASSISTANCE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

Tab 19

20. RESOLUTION NO. 72-09-07 Property and Casualty Insurance

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING THE TOWN MANAGER TO A EXECUTE CONTRACT WITH THE FLORIDA LEAGUE OF CITIES FOR PROPERTY, CASUALTY AND LIABILITY INSURANCE FOR THE TOWN OF LAKE PARK; AND PROVIDING AN EFFECTIVE DATE.

Tab 20

21. RESOLUTION NO. 70-09-07 Contract for Chris Wayne & Associates to Maintain Marina and Eliminate the Maintenance II Worker Position from the Marina

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING THE TOWN MANAGER TO EXECUTE A LANDSCAPE MAINTENANCE AGREEMENT BETWEEN THE TOWN OF LAKE PARK, FLORIDA AND CHRIS WAYNE AND ASSOCIATES, INC. AND ELIMINATE A MAINTENANCE WORKER II POSITION AT THE MARINA IN ORDER TO FUND SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Tab 21

M. ADJOURNMENT:

Proclamation

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: 9/12/07

Agenda Item No. _____

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input checked="" type="checkbox"/> Other: Proclamation | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|---|---|

SUBJECT: Proclamation in honor of Stephen E. Smith.

RECOMMENDED MOTION/ACTION: Approval of Proclamation

Approved by Town Manager

Date:

Becky M. Gibson - Turner
 Name/Title Human Resources Director

8/31/07
 Date of Actual Submittal

Originating Department: <u>HUMAN RESOURCES</u>	Costs: \$0.00 Funding Source: N/A Acct. # _____	Attachments: Proclamation
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input checked="" type="checkbox"/> Human Resources <u>BMT</u> <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda. <div style="display: flex; justify-content: space-between;"> <div> Yes I have notified everyone <u>BMT</u> or Not applicable in this case _____: </div> <div> Please initial one. </div> </div>	

Summary Explanation/Background:

**PROCLAMATION
IN HONOR OF STEPHEN E. SMITH**

WHEREAS; Stephen E. Smith commenced his employment with the Town of Lake Park in the Public Works Department on December 5, 1977; and

WHEREAS; since his appointment as Maintenance Worker II in the Grounds Division, Stephen E. Smith diligently and continuously endeavored to perform quality work on a timely basis, thereby helping to enhance the appearance of the Town.

WHEREAS; Stephen E. Smith performed his tasks amiably among his colleagues and was well liked and much appreciated; and

WHEREAS; Stephen E. Smith performed his workload dependably, efficiently and with great humor and deep regard for the citizens of Lake Park until his retirement on May 29 , 2007; and

WHEREAS; the Town of Lake Park wishes to publicly recognize Stephen E. Smith for his service and accomplishments as an esteemed member of the Public Works Department;

NOW, THEREFORE, on behalf of the Commission of the Town of Lake Park, I, Paul W. Castro, Mayor of the Town of Lake Park, do hereby publicly recognize and commend Stephen E. Smith for his dedication and the service which he has rendered to this community.

IN WITNESS WHEREOF, I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 12th Day of September, 2007.

By: _____
Mayor Paul W. Castro

ATTEST:

Vivian Mendez, Town Clerk

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No.

☐ PUBLIC HEARING

☐ RESOLUTION

☐ ORDINANCE ON FIRST READING

☐ ORDINANCE ON SECOND READING

☐ BID/RFP Award

☐ DISCUSSION

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☒ PROCLAMATION

SUBJECT: Proclamations commending the Code Compliance Board.

RECOMMENDED MOTION/ACTION: Approval of the Proclamation presented to the Code Compliance Board.

Approved by Town Manager

W. Davis

Date:

9/6/07

Vivian Mendez
Name/Title

9/5/07
Date of Actual Submittal

Originating Department: Town Clerk	Costs: \$ 0.00 Funding Source: Acct. #	Attachments: Proclamations
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input checked="" type="checkbox"/> Town Clerk <i>(initials)</i> <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____: Please initial one.

Summary Explanation/Background: The Commission directed staff to prepare Proclamations for all the Code Compliance Board members when the board was placed on suspension due to budget constraints at the August 22nd Commission Meeting.

**PROCLAMATION BY THE TOWN OF LAKE PARK
COMMENDING BARBARA BURSEY OF THE CODE COMPLIANCE BOARD**

WHEREAS; Barbara Bursey, has served as a member of the Code Compliance Board since May 2003; and

WHEREAS; Barbara Bursey, has generously given her personal time to ensure the Town's Code of Ordinances are adhered to; and

WHEREAS; Barbara Bursey, worked towards promoting, protecting and improving the Town residents' health, safety and welfare; and

WHEREAS; Barbara Bursey, has worked to educate, inform and foster interest in the appearance of the Town of Lake Park; and

WHEREAS; Barbara Bursey, went above the call of duty as a resident of the Town of Lake Park by volunteering her time; and

NOW, THEREFORE, on behalf of the Town Commission of the Town of Lake Park, I, Paul W. Castro, Mayor of the Town of Lake Park, do hereby publicly commend **Barbara Bursey** as a member of the Code Compliance Board for her dedication which has earned her the respect and admiration of the community, Commission and her peers.

IN WITNESS WHEREOF, I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 12th day of September, 2007.

By: _____
Mayor Paul W. Castro

ATTEST:

Vivian Mendez, Town Clerk

**PROCLAMATION BY THE TOWN OF LAKE PARK
COMMENDING CRISTINA CATASUS OF THE CODE COMPLIANCE BOARD**

WHEREAS; *Cristina Catasus*, has served as a member of the Code Compliance Board since July 2001; and

WHEREAS; *Cristina Catasus*, has generously given her personal time to ensure the Town's Code of Ordinances are adhered to; and

WHEREAS; *Cristina Catasus*, worked towards promoting, protecting and improving the Town residents' health, safety and welfare; and

WHEREAS; *Cristina Catasus*, has worked to educate, inform and foster interest in the appearance of the Town of Lake Park; and

WHEREAS; *Cristina Catasus*, went above the call of duty as a resident of the Town of Lake Park by volunteering her time; and

NOW, THEREFORE, on behalf of the Town Commission of the Town of Lake Park, I, Paul W. Castro, Mayor of the Town of Lake Park, do hereby publicly commend **Cristina Catasus** as a member of the Code Compliance Board for her dedication which has earned her the respect and admiration of the community, Commission and her peers.

IN WITNESS WHEREOF, I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 12th day of September, 2007.

By: _____
Mayor Paul W. Castro

ATTEST:

Vivian Mendez, Town Clerk

**PROCLAMATION BY THE TOWN OF LAKE PARK
COMMENDING GENANNE DOUGHTY OF THE CODE COMPLIANCE BOARD**

WHEREAS; Genanne Doughty, has served as a member of the Code Compliance Board since December 2003; and

WHEREAS; Genanne Doughty, has generously given her personal time to ensure the Town's Code of Ordinances are adhered to; and

WHEREAS; Genanne Doughty, worked towards promoting, protecting and improving the Town residents' health, safety and welfare; and

WHEREAS; Genanne Doughty, has worked to educate, inform and foster interest in the appearance of the Town of Lake Park; and

WHEREAS; Genanne Doughty, went above the call of duty as a resident of the Town of Lake Park by volunteering her time; and

NOW, THEREFORE, on behalf of the Town Commission of the Town of Lake Park, I, Paul W. Castro, Mayor of the Town of Lake Park, do hereby publicly commend **Genanne Doughty** as a member of the Code Compliance Board for her dedication which has earned her the respect and admiration of the community, Commission and her peers.

IN WITNESS WHEREOF, I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 12th day of September, 2007.

By: _____
Mayor Paul W. Castro

ATTEST:

Vivian Mendez, Town Clerk

**PROCLAMATION BY THE TOWN OF LAKE PARK
COMMENDING DESCA DUBOIS OF THE CODE COMPLIANCE BOARD**

WHEREAS; Desca DuBois, has served as a member of the Code Compliance Board since April 1999; and

WHEREAS; Desca DuBois, has generously given her personal time to ensure the Town's Code of Ordinances are adhered to; and

WHEREAS; Desca DuBois, worked towards promoting, protecting and improving the Town residents' health, safety and welfare; and

WHEREAS; Desca DuBois, has worked to educate, inform and foster interest in the appearance of the Town of Lake Park; and

WHEREAS; Desca DuBois, went above the call of duty as a resident of the Town of Lake Park by volunteering her time; and

NOW, THEREFORE, on behalf of the Town Commission of the Town of Lake Park, I, Paul W. Castro, Mayor of the Town of Lake Park, do hereby publicly commend **Desca DuBois** as a member of the Code Compliance Board for her dedication which has earned her the respect and admiration of the community, Commission and her peers.

IN WITNESS WHEREOF, I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 12th day of September, 2007.

By: _____
Mayor Paul W. Castro

ATTEST:

Vivian Mendez, Town Clerk

**PROCLAMATION BY THE TOWN OF LAKE PARK
COMMENDING ALVIN FEINSTEIN OF THE CODE COMPLIANCE BOARD**

WHEREAS; Alvin Feinstein, has served as a member of the Code Compliance Board since October 2006; and

WHEREAS; Alvin Feinstein, has generously given her personal time to ensure the Town's Code of Ordinances are adhered to; and

WHEREAS; Alvin Feinstein, worked towards promoting, protecting and improving the Town residents' health, safety and welfare; and

WHEREAS; Alvin Feinstein, has worked to educate, inform and foster interest in the appearance of the Town of Lake Park; and

WHEREAS; Alvin Feinstein, went above the call of duty as a resident of the Town of Lake Park by volunteering her time; and

NOW, THEREFORE, on behalf of the Town Commission of the Town of Lake Park, I, Paul W. Castro, Mayor of the Town of Lake Park, do hereby publicly commend **Alvin Feinstein** as a member of the Code Compliance Board for her dedication which has earned her the respect and admiration of the community, Commission and her peers.

IN WITNESS WHEREOF, I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 12th day of September, 2007.

By: _____
Mayor Paul W. Castro

ATTEST:

Vivian Mendez, Town Clerk

**PROCLAMATION BY THE TOWN OF LAKE PARK
COMMENDING OTTO FERNANDEZ OF THE CODE COMPLIANCE BOARD**

WHEREAS; *Otto Fernandez*, has served as a member of the Code Compliance Board since April 2007; and

WHEREAS; *Otto Fernandez*, has generously given her personal time to ensure the Town's Code of Ordinances are adhered to; and

WHEREAS; *Otto Fernandez*, worked towards promoting, protecting and improving the Town residents' health, safety and welfare; and

WHEREAS; *Otto Fernandez*, has worked to educate, inform and foster interest in the appearance of the Town of Lake Park; and

WHEREAS; *Otto Fernandez*, went above the call of duty as a resident of the Town of Lake Park by volunteering her time; and

NOW, THEREFORE, on behalf of the Town Commission of the Town of Lake Park, I, Paul W. Castro, Mayor of the Town of Lake Park, do hereby publicly commend **Otto Fernandez** as a member of the Code Compliance Board for her dedication which has earned her the respect and admiration of the community, Commission and her peers.

IN WITNESS WHEREOF, I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 12th day of September, 2007.

By: _____
Mayor Paul W. Castro

ATTEST:

Vivian Mendez, Town Clerk

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**PROCLAMATION BY THE TOWN OF LAKE PARK
COMMENDING HELEN HIRONIMUS OF THE CODE COMPLIANCE BOARD**

WHEREAS; Helen Hironimus, has served as a member of the Code Compliance Board since May 2007; and

WHEREAS; Helen Hironimus, has generously given her personal time to ensure the Town's Code of Ordinances are adhered to; and

WHEREAS; Helen Hironimus, worked towards promoting, protecting and improving the Town residents' health, safety and welfare; and

WHEREAS; Helen Hironimus, has worked to educate, inform and foster interest in the appearance of the Town of Lake Park; and

WHEREAS; Helen Hironimus, went above the call of duty as a resident of the Town of Lake Park by volunteering her time; and

NOW, THEREFORE, on behalf of the Town Commission of the Town of Lake Park, I, Paul W. Castro, Mayor of the Town of Lake Park, do hereby publicly commend **Helen Hironimus** as a member of the Code Compliance Board for her dedication which has earned her the respect and admiration of the community, Commission and her peers.

IN WITNESS WHEREOF, I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 12th day of September, 2007.

By: _____
Mayor Paul W. Castro

ATTEST:

Vivian Mendez, Town Clerk

**PROCLAMATION BY THE TOWN OF LAKE PARK
COMMENDING ROBIN MAIBACH OF THE CODE COMPLIANCE BOARD**

WHEREAS; Robin Maibach, has served as a member of the Code Compliance Board since January 2005; and

WHEREAS; Robin Maibach, has generously given her personal time to ensure the Town's Code of Ordinances are adhered to; and

WHEREAS; Robin Maibach, worked towards promoting, protecting and improving the Town residents' health, safety and welfare; and

WHEREAS; Robin Maibach, has worked to educate, inform and foster interest in the appearance of the Town of Lake Park; and

WHEREAS; Robin Maibach, went above the call of duty as a resident of the Town of Lake Park by volunteering her time; and

NOW, THEREFORE, on behalf of the Town Commission of the Town of Lake Park, I, Paul W. Castro, Mayor of the Town of Lake Park, do hereby publicly commend **Robin Maibach** as a member of the Code Compliance Board for her dedication which has earned her the respect and admiration of the community, Commission and her peers.

IN WITNESS WHEREOF, I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 12th day of September, 2007.

By: _____
Mayor Paul W. Castro

ATTEST:

Vivian Mendez, Town Clerk

Consent Agenda

TAB 1

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: September 12, 2007

Agenda Item No.

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input checked="" type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: Regular Commission Meeting Minutes of August 1, 2007.

RECOMMENDED MOTION/ACTION: Approve the Minutes from the Regular Commission Meeting of August 1, 2007.

Approved by Town Manager

Date:

James Shepherd
Name/Title Deputy Clerk

8/27/07
Date of Actual Submittal

Originating Department: Town Clerk	Costs: \$ N/A Funding Source: Acct. #	Attachments: Application, memo
Department Review: <input type="checkbox"/> City Attorney <input type="checkbox"/> Community Affairs <input type="checkbox"/> Community Development	<input type="checkbox"/> Finance <input type="checkbox"/> Fire Dept <input type="checkbox"/> Library <input type="checkbox"/> PBSO	<input type="checkbox"/> Personnel <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Town Clerk <i>VM</i> <input type="checkbox"/> Town Manager
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda. Yes I have notified everyone _____ or Not applicable in this case <input checked="" type="checkbox"/> _____ Please initial one.	

Summary Explanation/Background:



**Minutes
Town of Lake Park, Florida
Regular Commission Meeting
August 1, 2007 7:30 p.m.**

Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, August 1, 2007 at 7:30 p.m. Present were Mayor Castro, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Town Manager Maria Davis, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Vivian Mendez led the Invocation.

Commissioner Balius led the Pledge of Allegiance.

Town Clerk Vivian Mendez performed the Roll Call.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA

None

Motion: A motion was made by Commissioner Balius to approve the Agenda; Commissioner Carey made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

PRESENTATION:

Landscape Plan for Lake Shore Park, presented by Jeff Blakely

Jeff Blakely, Landscape Architect gave a Power Point presentation (see Exhibit "A") of a proposed landscape plan for Lake Shore Park. He stated that his grandfather S.J. Blakely designed Kelsey Park back in 1925 or 1926. His grandfather was also a Commissioner for the Town for 27 years and there was a park named after him on Ilex Dr. He gave a brief history of Lake Shore Park. The park was built with fill and dredge from Lake Worth which was not good soil. The proposed landscape plan he explained consisted of certain plant materials that would work well with the type of soil at the park. He explained that the Royal Palms originally chosen

to line the entire walkway would not hold up well or be practical during certain months of the year. He limited the Royal Palms to the connection between Kelsey Park and Lake Shore Park. Over a period of three years the plan would be the first phase of a master plan. Green Buttonwoods would be planted along the main walkway to the lake. The cross access walkway to the tennis courts would be lined with Small Leaf Clusia. He showed the Commission pictures of different plants (see Exhibit "A") he had chosen to be placed at Lake Shore Park.

Mayor Castro thanked Jeff Blakely for offering a landscape plan for Lake Shore Park. He liked the plan but the Town was not ready to spend the \$90,000 for the plan.

Mr. Blakely stated that trees could be adopted for Lake Shore Park.

Commissioner Osterman asked what the Allamanda plant would be replaced with.

Mr. Blakely stated that he would replace the Allamanda plant with a Dwarf Fire Bush.

Comprehensive Annual Financial Report (CAFR), presented by Scott Porter

Scott Porter, Engagement Partner of Caler, Donten, Levine, Druker, Porter, & Veil, P.A. reviewed the Comprehensive Annual Financial Report of fiscal year end of September 30, 2006 (see Exhibit "B") with the Commission. On page seven of the document was a Certificate of Achievement for Excellence in Financial Reporting. The Certificate had not appeared in the Comprehensive Annual Financial Report since the 1990's. On page three (3) of the report was the Management Discussion and Analysis which provided highlights of the Town's financial statement. On page five (5) was a Summary of Governmental Activities Comparative 2006 to 2005. Assets were up and Liabilities were down. On the bottom of page six (6) was the Revenue and Expense area. Total Revenues were up, total expenses were up and there was a positive increase of net assets across each year and each category for governmental and business type activities. On page eight (8) was a summary of the Town's Capital Assets. Capital Assets had a favorable positive increase. On page nine (9) was Outstanding Debt between 2006 and 2005. Outstanding Debt was down. On page ten (10) was the Detailed Financial Statements. The first two statements were full accrual statements. On page 13 were Fund Basis Statements which included current liabilities and assets. On page 46 was the Detailed Budgetary Comparison of the General Fund which indicated the original budget, revised budget, current year actual expenditures and revenues and the variance. The total revenues were slightly under budget. Total Revenues were 8.6 million. The revised budget was 8.9 million. The original budget was 7.8 million. On page 50 of the report were the Expenditures. Total Expenditures were 8.1 million versus a budget of 8.8. million. The budget was \$775,000 under budget. On page 63 was a Statistical Section that provided historical data of the Town. On page 89 was a report on Internal Control and Compliance. There were no significant items requiring attention. On page 91 was a Management Letter. In conclusion the report was a good and positive report for the Town.

Mayor Castro thanked Mr. Porter for his presentation.

BOARD MEMBERSHIP APPOINTMENT:

The following persons applied for a regular position on the Harbor Marina Advisory Board:

Michael Bass, 1214 2nd St. – stated that he had been a resident of the Town for three years and was currently employed with South Florida Yachts which was adjacent to the Marina.

Wayne Creber, 211 U.S. Hwy One – stated that he owned South Florida Yachts and had a lot of real estate investments in the Town. He had a vested interest in the Marina and had 20 years of experience dealing with customers who were in need of the Marina.

Ronnie Lee Cohen, 142 Evergreen Dr. - stated that she was currently a member of the Harbor Marina Advisory Board and was requesting reappointment.

PUBLIC and OTHER COMMENT

None

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Balius stated that it was approximately five years since the Town had received a Certificate of Achievement for Excellence in Financial Reporting. He gave a brief history of the issues in the Finance Department. He commended former Finance Director Cynthia Sementelli who had since moved on to work for another municipality.

Commissioner Carey thanked Interim Recreation Department Director Greg Dowling for his work on the 4th of July Firework Festival. He stated that having a barge was worth the money spent by the Town.

Mayor Castro stated that it was a benefit to have the barge in case of inclement weather. He thanked Interim Recreation Department Director Greg Dowling for his work on the 4th of July Firework Festival.

He received a phone call last week from Mr. Divosta's partner in the land that was abutting Park Ave. and Congress. Mr. Divosta and his partner wanted to meet with him. The Commission was not in agreement for moving the Park Avenue Extension to Congress. Divosta was moving forward on their project and wanted to know the Commission's thoughts and gain their guidance. They had concerns because Palm Beach County Commissioner Karen Marcus was pushing for Park Avenue Extension to go through Old Dixie Highway to Congress Ave. He stated that he did not want to see the Extension Project built. He gave a brief history of the discussions about the Extension. It was unanimously voted to not approve the Extension approximately four years ago. The zoning was changed from a new town design atmosphere to light industrial commercial to create revenue generators and there was no direct traffic generating into the residential streets. He encouraged the Commission to contact Mr. Divosta or to allow him to contact them.

He gave a brief history of the Twin City Mall site and the proposal for the twelve story buildings, the five story parking garages and the two story commercial buildings. He received a call from the Palm Beach Post and he gave his position on the project. He expressed that the project was too intense for a small community such as Lake Park. The project would greatly impact the single story residences that are in the vicinity of the project. He expressed concern over the project and stated that he did not support it.

Commissioner Balius stated that the developers for the proposed Twin City Mall Project took all of the requirements except 86,000 square feet of property in Lake Park. The Planning &

Zoning Board of the Village of North Palm Beach supported Lake Park in the meetings for the proposed project. They expressed concern over the impact it would have on Lake Park.

Vice-Mayor Daly stated that he spoke to Palm Beach County Commissioner Karen Marcus on the issue of the extension from Park Ave. to Congress Ave. She had met with a traffic engineer to explore alternative plans for the extension. He was in support of looking at an alternative plan.

Commissioner Balius stated that the Town had given Palm Beach County 54 acres and if the County wanted the extension they could get the right of way back at the property that was located South of Park Ave. near Industrial Rd.

Vice-Mayor Daly stated that different options were mentioned at the meetings for the proposed extension. One option was to relocate the Public Works facility. The engineer stated that they own the property just to the south and was willing to give it to the Town. Interesting points were brought up at that meeting and it was worth looking at the final proposal for the extension.

Mayor Castro stated that he did not support the extension.

Vice-Mayor Daly stated that the extension was worth taking a look at by the Commission.

He stated that the Commission received a letter from Earl Stewart of Earl Stewart Toyota. He wanted to make clear that he did not want to have anymore one on one meetings with Earl Stewart. He gave a brief overview of the things that the Commission had done for him and worked with him on. He recommended that Mr. Stewart appear at a Commission Meeting and give an update of what was happening with his project.

Commissioner Osterman stated that Mr. Stewart had requested a meeting. She replied and asked for an agenda of the meeting. Mr. Stewart did not reply. She was then accused of not wanting to meet.

Mayor Castro stated that Mr. Stewart specifically identified him and stated that he had tried to contact him. Mr. Stewart did not contact him until after the appeal of his code enforcement violation was filed. He stated that if anyone wanted clear dialogue with him they are to contact him before any appeals or lawsuits were filed.

Vice-Mayor Daly gave a brief review of the history on the discussion of the legal budget. He stated that the Town Manager and Staff that work with the Town Attorney should be the one to make the decisions on the legal budget since they work closely with him. He asked if the Town Charter would need to be changed. He recommended that the Commission and Staff take a look at the issue.

Commissioner Osterman stated that she was in support of a staff evaluation of the Town Attorney.

Mayor Castro disagreed and stated that it was a matter of checks and balances. He relies on conversations with his manager and with his attorney as it relates to any issue. If he had an issue he would call his manager and get both sides. In most jurisdictions the attorney or clerk is at the discretion of the Commission. Everyone else is at the discretion of the manager. It was set up

that way so that the attorney could give objective advice without being swayed by a manager. The Commission has the ability to hire or fire the Town Attorney or Town Manager. It was up to the Town Manager to apprise the Commission of any issues they may be having with the Town Attorney.

Commissioner Osterman stated that she would not support a Charter Amendment to have the Town Attorney report to the Town Manager. She explained that it was difficult to know all the aspects of what the Town Attorney and his staff do for the Town.

Mayor Castro explained how the Town Charter worked in relation with the Town Attorney.

Town Manager Maria Davis stated that she did not know of any jurisdiction where the Attorney reported directly to the Manager.

Vice-Mayor Daly recommended that the Town Manager bring information or reports to the Commissioner regarding the Town Attorney.

Mayor Castro recommended that the Commission call the Town Attorney when or if they have questions or concerns.

Town Attorney Thomas Baird stated that everything he does such as an Ordinance or Resolution comes before the Commission unless it involves litigation. He provides a litigation status report. He encouraged the Commission to call him should they have any questions with regards to litigation. Everything that he does starts in administration with one of the Town's departments. They work together to create an Ordinance or a Resolution.

Commissioner Osterman stated that there were elements that she did not know such as there was a contentious issue with the Planning & Zoning Board. She stated that she did not know what issues did not come before the Commission.

Mayor Castro explained that the Commission was the Town Attorney's supervisor and should there be an issue, the Attorney would report to the Commission. The Commission may not hear about all contentious issues that may arise. Should the Commission hear about a contentious situation it is their responsibility to discuss the situation with the Attorney.

Commissioner Osterman asked the Commission if they supported an appraisal report for the Town Attorney.

Mayor Castro stated that an appraisal report for the Town Attorney could be done and he could be evaluated two weeks before his contract renewal.

Attorney Thomas Baird stated that he did not know of any municipalities that have an appraisal report for their attorney but he would be happy to have one should the Commission want it.

Mayor Castro stated that he did not need an appraisal report for the Town Attorney. He contacts the Town Attorney when he has issues and vice versa. He did not know of any other community that evaluates their Attorney with an appraisal report.

Commissioner Balius stated that Town Attorney Thomas Baird keeps him informed by contacting him. Town Manager Maria Davis also kept him informed.

Commissioner Osterman stated as she reviewed Town Manager Maria Davis' appraisal report, she realized that if she had not had that instrument there were things that would not have been at the forefront of her mind.

She had observed all of the changes to Lake Shore Park and what had been done so far. She mentioned an e-mail that had gone out mentioning a hold up at gunpoint in the Target parking lot on Northlake Blvd. There used to be a Sheriff's decoy car in the Target parking lot.

Mayor Castro stated that the Target parking lot was under the jurisdiction of Palm Beach Gardens. Jurisdiction for Lake Park ended at the front door of Target.

Commissioner Osterman stated that Lake Park's jurisdiction ended half way out into the parking lot.

Mayor Castro clarified Palm Beach Gardens' jurisdiction and Lake Park's jurisdiction at the Target shopping center.

Commissioner Osterman recommended having a Sheriff's decoy car at the Target parking lot.

Captain Douglas Reece asked the Commission if he could have a discussion with Town Manager Maria Davis about a Sheriff's decoy car.

Commissioner Osterman asked about the evaluations of the amount of security needed for Wal-Mart and Target and charging them back for the amount of security used.

Captain Douglas Reece stated that there were no discussions regarding charging Wal-Mart or Target for security.

Commissioner Osterman stated that Wal-Mart was going to have their own security.

Captain Douglas Reece stated that Wal-Mart had their own security but there were no discussions with Target. When they originally opened they had permit deputies there temporarily.

Commissioner Osterman stated that she thought there were discussions about whether or not Target and Wal-Mart needed to hire their own security and they were looking at the numbers.

Captain Douglas Reece stated that monthly reports of calls on crime were received from the stores but at the time it was not too significant. Most of the calls the Sheriff's office received from Target or Wal-Mart were with regards to shoplifting which was extensive in those stores. The robbery incidents that took place in the Target parking lot and at the pharmacy across the street were in Palm Beach Gardens' jurisdiction and they were random robberies in parking lots that take place in other municipalities.

Mayor Castro asked Attorney Thomas Baird for an update on the Firefighters Pension Case.

Attorney Thomas Baird stated that he did not have an update on the Firefighters Pension Case. Attorney Karen Roselli would be attending the August 22, 2007 Commission Meeting in his place.

The Town would be recovering approximately \$85,000 in code enforcement fines from Venetian Isles and as part of a negotiation regarding Sprints tower co-location in the Town there would be approximately \$20,000 in fees collected.

Town Manager Maria Davis stated that the County and School Board meet on or before September 5th for the TRIM issue. The Town has to wait until after the School Board meets and adopt the TRIM before the Commission can adopt a TRIM rate. The School Board was meeting on September 5th and the Town's Regular Commission Meeting conflicted with that date. She requested that the two meetings for TRIM and the regularly scheduled Commission Meetings be rescheduled. She recommended September 12th and 26th instead of September 5th and 19th.

Mayor Castro stated that he did not have a problem with rescheduling the meetings to September 12th and 26th.

Attorney Thomas Baird stated that he would check his schedule.

The Commission came to consensus to reschedule the Regular Commission Meetings and Commission Meetings to September 12th and 26th.

Town Manager Maria Davis stated that the Town was now selling beer and wine at the Marina.

Mayor Castro recommended selling beverages in plastic cups instead of cans and glass at the Marina.

Town Manager Maria Davis stated that there was a design for mooring piles being reviewed by the Harbor Marina Advisory Board. There was a problem in the basin at the Marina. There was rubble that had damaged the props of some of the larger boats. The rubble may have been caused by demolition of former concrete piers. She recommended that the rubble be removed.

Mayor Castro asked if the removal of the rubble was the responsibility of the contractor.

Town Manager Maria Davis stated that the contract was signed off a long time ago and there were other issues she was dealing with.

Discussion ensued between Town Manager Maria Davis and the Commission regarding the issues at the Lake Park Harbor Marina.

Town Manager Maria Davis stated that the Lake Park sign in front of the K-Mart shopping had been refurbished and she was working on getting lighting put in. The 10th Street landscaping was complete. There were complaints with the triangle of vision at various corners and she was working with the architect on resolving those issues. The work was essentially complete and the concrete on the medians would be pressure cleaned.

She announced a public meeting on August 29, 2007 regarding Park Ave. improvements. Letters would go out to property owners who live adjacent to Park Ave. She wanted to get the word out that there would be a public meeting regarding the design of the Park Ave. improvements.

She announced that there were four new signs at Kelsey Park.

Commissioner Balius stated that discussion about the signs at Kelsey Park was brought up approximately 13 months ago. He commended Town Manager Maria Davis for taking initiative in replacing the signs.

Town Manager Maria Davis stated that renovations to Lake Shore Park would move very quickly once the landscaping contract was approved.

CONSENT AGENDA:

1. Florida Coastal Cleanup September 15, 2007.
2. Landscape Installation contract award for Lake Shore Park to Villa & Sons

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve the Consent Agenda; Vice-Mayor Daly made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

PUBLIC HEARING(S)

ORDINANCES ON 2nd READING

ORDINANCE NO. 14-2007 - Amendment of Chapter 54 Building Regulations

A ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 54, OF THE CODE OF ORDINANCES, ENTITLED "BUILDINGS AND BUILDING REGULATIONS" BY AMENDING ARTICLE I, SECTION 54-7 ENTITLED "STATE BUILDING CODE ADOPTED"; AMENDING SECTION 54-8 ENTITLED "AMENDMENTS ADOPTED"; CREATING NEW CHAPTER 1 WITHIN SECTION 54-8 TO BE ENTITLED "ADMINISTRATION"; CREATING SECTION 101 TO BE ENTITLED "GENERAL"; CREATING SECTION 102 TO BE ENTITLED "APPLICABILITY"; CREATING SECTION 103 TO BE

ENTITLED "BUILDING DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT"; CREATING SECTION 104 TO BE ENTITLED "DUTIES AND POWERS OF BUILDING OFFICIAL"; CREATING SECTION 105 TO BE ENTITLED "PERMITS"; CREATING SECTION 106 TO BE ENTITLED "CONSTRUCTION DOCUMENTS"; CREATING SECTION 107 TO BE ENTITLED "TEMPORARY STRUCTURES AND USES"; CREATING SECTION 108 TO BE ENTITLED "FEES"; CREATING SECTION 109 TO BE ENTITLED "INSPECTIONS"; CREATING SECTION 110 TO BE ENTITLED "CERTIFICATES AND BUILDING USE"; CREATING SECTION 111 TO BE ENTITLED "TESTS"; CREATING SECTION 112 TO BE ENTITLED "CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS"; CREATING SECTION 113 TO BE ENTITLED "SEVERABILITY"; CREATING SECTION 114 TO BE ENTITLED "VIOLATION AND PENALTIES"; AMENDING ARTICLE III, DIVISION 2 BY REPEALING SECTION 54-92 ENTITLED "UNSAFE RESIDENTIAL BUILDINGS"; REPEALING SECTION 54-98 ENTITLED "PLANNING AND ZONING BOARD"; SECTION 54-129 ENTITLED "UNSAFE DWELLINGS OR STRUCTURES"; AND SECTION 54-130 ENTITLED "UNLAWFUL STRUCTURES"; AMENDING ARTICLE III ENTITLED HOUSING CODE TO CREATE NEW CODE SECTION 54-81 TO BE ENTITLED "PROPERTY MAINTENANCE STANDARDS, GENERAL"; CREATING NEW SECTION 54-82 TO BE ENTITLED "GENERAL REQUIREMENTS FOR THE EXTERIOR AND INTERIOR OF STRUCTURES"; CREATING NEW SECTION 54-83 TO BE ENTITLED "BOARDED UP BUILDINGS; HURRICANE SHUTTER REMOVAL REQUIRED "; CREATING NEW SECTION 54-84 TO BE ENTITLED "ADDITIONAL LANDSCAPE AND PROPERTY STANDARDS"; CREATING NEW SECTION 54-85 TO BE ENTITLED "SUPPLEMENTAL COMMERCIAL PROPERTY MAINTENANCE STANDARDS"; CREATING NEW SECTION 34-129 TO BE ENTITLED "RESPONSIBILITY OF OWNER"; CREATING NEW SECTION 34-130 TO BE ENTITLED "RESPONSIBILITY OF OCCUPANT"; CREATING NEW SECTION 34-131 TO BE ENTITLED "NUISANCE DECLARED"; CREATING NEW SECTION 34-132 TO BE ENTITLED "NUISANCE TO BE ABATED"; CREATING NEW SECTION 54-133 TO BE ENTITLED "PROCEDURE FOR ABATEMENT OF NUISANCE"; CREATING NEW SECTION 54-134 TO BE ENTITLED "APPEAL PROCEDURE"; PROVIDING FOR SEVERABILITY, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Ordinance No. 14-2007 upon 2nd reading; Vice-Mayor Daly made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		

Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance 14-2007 by caption only.

ORDINANCE NO. 15-2007 – Development Review Fees

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 51, SECTION 51-6 ENTITLED “FEES FOR APPLICATION DEVELOPMENT REVIEW” TO DELETE THE FEE SCHEDULE AND PROVIDE FOR THE ESTABLISHMENT OF A SCHEDULE OF THE DEVELOPMENT ORDER APPLICATION FEES BY RESOLUTION OF THE TOWN COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Ordinance No. 15-2007 upon 2nd reading; Vice-Mayor Daly made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance 15-2007 by caption only.

ORDINANCE NO. 16-2007 – Architectural Guidelines for Commercial Buildings

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK TO CREATE NEW

ARTICLE XI TO BE ENTITLED "ARCHITECTURAL DESIGN GUIDELINES FOR NON-RESIDENTIAL BUILDINGS" AND WITHIN NEW ARTICLE XI TO CREATE NEW CODE SECTION 78-330 TO BE ENTITLED "GENERAL PROVISIONS"; NEW CODE SECTION 78-331 TO BE ENTITLED "DEFINITIONS"; NEW CODE SECTION 78-332 TO BE ENTITLED "DESIGN TREATMENTS"; NEW CODE SECTION 78-333 TO BE ENTITLED "BUILDING FACADES AND ELEVATIONS"; NEW CODE SECTION 78-334 TO BE ENTITLED "BUILDING COLOR AND FINISH"; NEW CODE SECTION 78-335 TO BE ENTITLED "ARCHITECTURAL ELEMENTS"; NEW CODE SECTION 78-336 TO BE ENTITLED "WINDOW AND DOOR TREATMENTS"; NEW CODE SECTION 78-337 TO BE ENTITLED "PREFERRED ROOF MATERIALS AND STYLES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to approve Ordinance No. 16-2007 upon 2nd reading; Vice-Mayor Daly made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balias	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance 16-2007 by caption only.

ORDINANCE NO. 17-2007 – Open Container Law

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 6, ENTITLED "ALCOHOLIC BEVERAGES"; OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, TO AMEND SECTION 6-1 ENTITLED "DEFINITIONS;" TO RETITLE SECTION 6-1 AS "LEGISLATIVE INTENT FOR OPEN CONTAINER ORDINANCE"; TO AMEND SECTION 6-2 ENTITLED "DRINKING IN PUBLIC PLACES"; TO RETITLE AS "DEFINITIONS"; TO AMEND SECTION 6-3 ENTITLED "SALE NEAR CHURCHES, SCHOOLS, ETC." TO RETITLE AS

“CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES IN UNLICENSED ESTABLISHMENTS, PUBLIC PARKING LOTS, PUBLIC WAYS AND PLACES PROHIBITED” CREATING NEW SECTION 6-6 TO BE ENTITLED “SALE NEAR CERTAIN USES PROHIBITED”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Vice-Mayor Daly to approve Ordinance No. 17-2007 upon 2nd reading; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance 17-2007 by caption only.

Mayor Castro thanked the applicants who applied for membership to the Harbor Marina Advisory Board.

Ronnie Lee Cohen was re-appointed as a regular member to the Harbor Marina Advisory Board.

Mayor Castro recommended a proclamation be created for former Library Director Jane Terwillegar. He gave a review of her accomplishments and contributions to the Town.

The Commission came to consensus to present a proclamation to former Library Director Jane Terwillegar.

ORDINANCES ON 1st READING

ORDINANCE NO. 18-2007 – Reasonable Accommodation

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 78, ARTICLE I, TO CREATE NEW CODE SECTION 78-6 TO BE ENTITLED “REASONABLE ACCOMMODATIONS PROCEDURES” PROVIDING

FOR REASONABLE ACCOMMODATION PROCEDURES PURSUANT TO THE FAIR HOUSING AMENDMENTS ACT AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open:

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Ordinance No. 18-2007; Vice-Mayor Daly made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance 18-2007 by caption only.

ORDINANCE NO. 19-2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE III, OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK; BY AMENDING SECTION 78-65 ENTITLED "R-2A RESIDENCE DISTRICTS"; SECTION 78-66 ENTITLED "R-2 RESIDENCE DISTRICTS"; SECTION 78-67 ENTITLED "R-3 RESIDENCE DISTRICTS"; AMENDING SECTION 78-72 ENTITLED "C-2 BUSINESS DISTRICTS"; AMENDING SECTION 78-73 ENTITLED "C-3 BUSINESS DISTRICTS"; AMENDING; SECTION 78-74 ENTITLED "C-4 BUSINESS DISTRICTS"; AMENDING SECTION 78-75 ENTITLED "CLIC-1 CAMPUS LIGHT INDUSTRIAL/COMMERCIAL DISTRICTS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Ordinance No. 19-2007; Vice-Mayor Daly made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance 19-2007 by caption only.

RESOLUTIONS

RESOLUTION NO. 53-08-07 – Development Review Fees

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA ESTABLISHING AND INCREASING THE FEES FOR LAND DEVELOPMENT ORDER APPLICATIONS; AND PROVIDING AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Resolution No. 53-08-07; Vice-Mayor Daly made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

RESOLUTION NO. 54-08-07 – Landscape Special Assessment Fund

A RESOLUTION BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING THE EXPENDITURE OF \$26,840.00 FROM THE TOWN'S LANDSCAPING SPECIAL ASSESSMENT FUND DOLLARS TO PAY FOR THE COSTS OF LANDSCAPING THE RAISED PLANTERS ALONG THE EASTERN BOUNDARY OF LAKE SHORE PARK IN THE TOWN OF LAKE PARK; AND PROVIDING AN EFFECTIVE DATE.

Town Manager Maria Davis explained that due to budgetary constraints the Town was unable to include the raised planters along the eastern boundary of Lake Shore Park in the landscape plan. There was a landscape mitigation assignment from Bev Smith Ford in the amount of \$27,000. She requested authorization to use those mitigation funds to complete the raised planters along the waterway at Lake Shore Park.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Resolution No. 54-08-07; Commissioner Osterman made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Discussion and possible action

Six Month Town Manager Evaluation

Mayor Castro stated that he completed his evaluation but did not want to discuss the grade at this meeting. He wanted to give Town Manager Maria Davis the opportunity to receive all of the evaluations and then give her a public evaluation at the next Commission meeting. He stated that his grade for Town Manager Maria Davis was above very effective. He stated that she had done a very good job for the Town, its residents, and the Commission.

Town Manager Maria Davis stated that Commissioner Carey had advised her that there was one manager in the past that had been evaluated and the Commission received a matrix of all of their scores. She asked if the Commission would like a grading matrix.

Mayor Castro stated that it would be a great opportunity to provide the grading matrix for the public.

Commissioner Carey stated that his grade for Town Manager Maria Davis was above very effective.

Commissioner Balias stated that he had given Town Manager Maria Davis a very high score.

Vice-Mayor Daly stated that the Commission was very happy with her performance. He thanked her and stated that she was doing a fantastic job.

Commissioner Osterman stated she graded Town Manager Maria Davis with an "A".

Commissioner Balias stated that the majority of Town Manager Maria Davis' goals were almost completed and there would need to be another list of goals since there was still six months left to complete them.

Town Manager Maria Davis stated that the last six months were very exciting for her and was excited for the next six months. Her only regret was what the legislature decided regarding property tax reform. She would have liked two years of sailing before making the budget cuts that needed to be made. She thanked staff for their help and support.

Mayor Castro directed Town Manager Maria Davis to place discussion of her evaluation on the agenda for the next Commission Meeting of August 22, 2007.

POP Warner Football, Cheerleading and AYSO participation

Town Manager Maria Davis explained that she was aware of issues that had come up in the past regarding football and cheerleading on the ball field. She asked for direction from the Commission as to whether or not they wanted to participate with POP Warner and AYSO.

Mayor Castro stated that there were problems in the past with management at the ball field. He wanted to give Interim Recreation Director Greg Dowling the opportunity to make it work. If it didn't work then the Commission could reevaluate the situation. He believed that a situation could be worked out where all of the organizations could use the field and not certain groups monopolizing the field.

Commissioner Osterman stated that she wanted to have as many programs as possible in the Town for the youth. There was a problem with scheduling with POP Warner. The trouble began with scheduling. She was told that the schedule was produced without any flexibility and the Commission has not been able to have a say in the scheduling. She would be more for the programs if the Commission had more control over the scheduling.

Mayor Castro stated that there were teams that played at the field that were not associated with Lake Park.

Commissioner Carey stated that other towns had fields where there are two other teams at the field. They share the fields throughout the organization.

Commissioner Osterman asked if the Commission would have a say in the scheduling of games at the field.

Mayor Castro stated that the Commission did have a say. The Recreation Department had the responsibility of making sure the fields were properly managed. He recommended that Interim Director Greg Dowling work with Town Manager Maria Davis to see what went wrong and to see that things are run appropriately.

Discussion ensued between Mayor Castro and Commissioner Osterman regarding scheduling of POP Warner games at the ball field.

Town Manager Maria Davis stated that Interim Recreation Director Greg Dowling was out of town. She stated that players were currently signing up. She felt it was crucial to bring the discussion about it to the meeting.

Mayor Castro stated that discussion about the POP Warner issue should have been brought before the Commission back in June or July.

Commissioner Balius stated that it was his understanding that the Lake Park Sharks were going to Palm Beach Gardens. He asked if the Lake Park Sharks were on the Town's insurance policy.

Town Manager Maria Davis stated that she would look in to whether or not the Lake Park Sharks were on the Town's insurance policy.

Mayor Castro stated that the Lake Park Sharks had their own insurance policy.

Commissioner Osterman stated that there were problems with parking in the medians and yards. She did not want to spend extra dollars for Sheriff's officers to be there. She wanted the issue of parking to be addressed and recommended a fee be charged for having an officer direct traffic.

Discussion ensued between the Commission regarding past issues with POP Warner games at the ball field.

Public Comment Open.

Bert Bostrom, 1451 Flagler Blvd. – stated that the Lake Park Shark schedule comes out of the home office and comes to the Town before the season starts. The Sharks have to abide by that schedule and cannot deviate from it.

Mayor Castro stated that the Lake Park Sharks needed to know that there would have to be deviation from the schedule in order for them to play at the field. He directed Town Manager Maria Davis to look into it.

Ms. Bostrom stated that she was registering kids for the Town's organization and the AYSO organization. The kids that are signed up would participate in both organizations. The AYSO insurance, which is 5 million, would not cover the Town's kids during their activity. She

recommended that other organizations have activities in Town and she recommended going back to two nights per week per organization so that another outfit could come in.

Vice-Mayor Daly directed Town Manager Maria Davis to make sure that the teams adhere to the schedule that would be set by the Town.

Geri Drayton, 349 Australian Cr. – stated that she provided a permit, paperwork, and paid all of the required fees in order for her children to participate in the games. She spoke with Bert Bostrom and expressed to her that her child wanted to play soccer and she offered to coach. She stated that children from Lake Worth to Jupiter sign up for the games. The children come out to play games on the days that they are scheduled and do not come to tear up the fields or ruin property. When she leaves a game she makes sure that the field is clean. The kids ask her if they will have to go through the same issues again this year. If scheduling was an issue they can work with POP Warner and work it out.

Town Manager Maria Davis stated that she had read past minutes that were related to the ball field issue and found that the problems were from a lack of communication. She stated that she needed to sit down with POP Warner and AYSO to resolve the issues.

Mayor Castro asked the Commission what they wanted to do.

Commissioner Balius stated that he would like to see the children have something to do. The parking in the medians and on lawns was an issue because of sprinklers being damaged.

Commissioner Osterman stated that he was encouraged by Geri Drayton's comments that she could call POP Warner and address the scheduling issues. She recommended that the Commission be aware of possible problems and address them up front.

Town Manager Maria Davis stated that 15 children have enrolled for football and 11 for cheerleading.

Public Comment Closed.

Mayor Castro excused himself from the meeting and passed the gavel to Vice-Mayor Daly

Code Compliance Board Discussion

Commissioner Balius stated that there were complaints about the code board meetings being cancelled. He sat on the Code Compliance Board for three years from 1994 to 1997 and at the time there was no Special Magistrate. When residents appear before the Code Compliance Board, nine times out of ten their code violations have already been corrected. Most of the time there was only one or two cases to go before the board. Only 60 cases were heard before the Code Compliance Board between January 2006 and April 2007 at a total cost of \$10,926. The amount collected on those cases was \$7,485.

Commissioner Osterman stated that it was costing the Town approximately \$1000 per month to hold the Code Compliance Board Meetings.

Commissioner Balius recommended that all of the code violation cases be presented to the Special Magistrate. The Town would not have to pay two attorneys and three staff members to sit and hear two to three code violation cases.

Commissioner Osterman stated that she had observed the Code Compliance Board and Special Magistrate Hearings and the Special Magistrate seemed to handle the cases in a fair manner.

Attorney Thomas Baird stated that he was a Special Magistrate for the City of Stuart and most of the Magistrates in Palm Beach County were fair. Most Magistrates are City or County Attorneys elsewhere and have worked with Chapter 162 in the FL Statutes which governs code procedures. The effectiveness of the Magistrate system is that there is an individual who did not have a long learning curve with an issue and can deal with it expeditiously. More cases could be heard in a two hour period at a Special Magistrate Hearing versus a Code Compliance Board. By nature a Code Compliance Board would have five to seven members all of which may have a question which would make the meetings longer and the cost higher for the presence of staff and attorneys. He gave a brief history of the creation of Code Compliance Boards in municipalities. Out of the 38 municipalities in Palm Beach County, only two or three still have a Code Compliance Board.

Commissioner Osterman asked if the Code Compliance Board was noticed that the discussion would be on the agenda. She recommended having the Code Compliance Board at the next Commission Meeting to have their say in the matter.

Vice-Mayor Daly agreed and stated that the Code Compliance Board should have a chance to be heard.

The Commission came to consensus to invite the Code Compliance Board members to the next Commission Meeting of August 22, 2007 to discuss the future of the Code Compliance Board.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Balias and seconded by Vice-Mayor Daly, and by unanimous vote, the meeting adjourned at 9:35 p.m.

Mayor Castro

Deputy Clerk Jessica Shepherd

Town Clerk Vivian Mendez

Town Seal

Approved on this ____ of _____, 2007.

TAB 2

Town of Lake Park Town Commission Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No.

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input checked="" type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: Budget Workshop Meeting Minutes of August 8, 2007.

RECOMMENDED MOTION/ACTION: Approve the Minutes from the Budget Workshop Meeting of August 8, 2007.

Approved by Town Manager He. Davis Date: 9/4/07
Jessica Sheghe 9/4/07
 Name/Title Deputy Clerk Date of Actual Submittal

Originating Department: Town Clerk	Costs: \$ N/A Funding Source: Acct. #	Attachments: Application, memo
Department Review: <input type="checkbox"/> City Attorney <input type="checkbox"/> Community Affairs <input type="checkbox"/> Community Development	<input type="checkbox"/> Finance <input type="checkbox"/> Fire Dept <input type="checkbox"/> Library <input type="checkbox"/> PBSO	<input type="checkbox"/> Personnel <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Town Clerk <u>VM</u> <input type="checkbox"/> Town Manager
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda. Yes I have notified everyone _____ or Not applicable in this case <input checked="" type="checkbox"/> _____ Please initial one.	

Summary Explanation/Background:



**Minutes
Town of Lake Park, Florida
Budget Workshop
August 8, 2007 8:10 p.m.**

Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Budget Workshop on Wednesday, August 8, 2007 at 8:10 p.m. Present were Mayor Castro, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Town Manager Maria Davis, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Town Clerk Vivian Mendez performed the Roll Call

DISCUSSION AND POSSIBLE ACTION:

Palm Beach County Sheriff's Office for Police Service – Police Sergeants

Mayor Castro asked Captain Douglas Reece to explain the benefits of having Sergeants in the Sheriff's Department and to explain the budget for the Sheriff's Department.

Captain Douglas Reece explained that implementing the four Sergeants in 2006 was of great benefit to the Town. Prior to the Sergeants, the Town was supervised by Sergeants from the North district which was over the Beeline Hwy and Jog Rd. The benefits of having the Sergeant's in the Town were 24 hour supervision, another person accessible to the community, and another set of eyes and ears on watch in the community. It has allowed the Sheriff's Department to move operations back into the Town. Prior to supervision, roll calls had to be run out of District 3 which would cause the Deputies to be out of Town while they received their assignments and briefings for the day. The roll calls were now being conducted in the Town. Having Sergeants has helped him to get more of a sense of what's going on in the community. A decrease in the crime rate between 2005 and 2006 was attributed to having Sergeants in the Town.

Mayor Castro asked Captain Reece to explain the budget.

Captain Reece stated that since the merger with the Town of Lake Park, the Sheriff's office has come in at a loss. They were not there to make a profit from the Town but to provide a good service and there were some things that the Sheriff's office has provided to the Town at a loss.

Commissioner Carey commented that there was horse patrolling over the last few weeks.

Captain Reece stated that yes, they had a horse patrol a few weeks earlier. There were construction thefts on Lake Shore Dr. Burglaries tend to increase over the summer.

Mayor Castro asked if it would be better to patrol in cars.

Captain Reece explained that the vision is better on a horse than in a car.

Vice-Mayor Daly asked if the horses were free.

Captain Reece stated that the horses were free and he did not receive any complaints or phone calls about them.

Commissioner Osterman reviewed certain issues that were discussed such as tickets and the revenue generated from them, Code Compliance Officers administering tickets and possible Citizens on Patrol (COP) authorization for writing tickets.

Mayor Castro stated that the COP could not administer tickets but could report violations.

Captain Reece stated that he had a meeting with the Town Manager where they discussed the issues with parking and traffic. He explained that the Sheriff's Office could do a better job with enforcing parking and traffic. They would work with Community Development Director Patrick Sullivan to revamp the citations. They discussed the COP and he learned that two of their officers were parking enforcement certified. He met with Donna Stein, Captain of the COP to discuss expanding their operation to issue parking citations in the Town.

Commissioner Osterman stated that Kelsey Park and Lake Shore Park was a major concern and priority. There have been drug deals occurring in the parks. She recommended steady and constant supervision in the parks.

Captain Reece stated that there was discussion of strategies for controlling the drug issues at the parks such as electronic gates.

Vice-Mayor Daly stated that there has been an upwards turn since the Sergeants were brought into the Town. He did not want to see the Sheriff's Department decrease if the Town could afford the extra Sergeants. He recommended maintenance of the current Sheriffs Department.

Commissioner Balius stated that if parking was eliminated from sidewalks it would decrease the amount of complaints he received.

Captain Reece stated that the Sheriff's Department was currently in the process of a technology upgrade which would make them better at deploying their resources.

Commissioner Balius stated that if residents saw the monthly report they receive from the Sheriff's Department they would have a different opinion on the lack of deputies in the Town.

Town Manager Maria Davis recommended placing the monthly report from the Sheriff's Department on the Town's website.

Commissioner Osterman encouraged Captain Reece to utilize the Town newspaper to promote the Sheriff's Department and post the crime statistics of the Town.

Captain Reece stated that the Sheriff's Department has used the internet and an e-mail list to promote themselves. Other communities have followed their idea of utilizing an e-mail list.

9% Ad-Valorem Tax Reduction

Mayor Castro stated that he was comfortable with the Town Budget.

Town Manager Maria Davis reviewed the options that were discussed at the last Budget Workshop of July 25, 2007. She explained that the Commission had the option of decreasing another 9% from the mandated 2006-2007 rolled back rate. If the Commission chose to keep the Sergeants, the budget could be cut by 2% which would balance the budget or just remain at the 2006-2007 rollback rate without any additional cuts. She stated that she had a discussion with Mayor Castro and he had recommended that employees receive some type of merit increase. She explained how the employees were losing money by having their flexible spending health care benefit cut, dependent coverage cut, and no merit increases. She recommended that the Commission vote to not cut an additional 9% and allow for some kind of merit increase in addition to the 2% COLA for employees.

Mayor Castro stated that the legislature's decisions were not well thought out. They did not take into consideration the smaller less affluent municipalities. Larger communities have a large influx of residents that are only part-time who pay larger property taxes because they are not protected by Homestead or "Save our Homes". He explained the differences in millage rates between larger and smaller communities. He explained how the employees of the Town were paying for the differences. He felt it was an injustice to employees to cut from their benefit packages and not services.

Vice-Mayor Daly agreed and stated that the Town had just started making the salaries for Town employees what they should've been in the past. He recommended reasonable raises for the Town employees and suggested making the necessary cuts in order to do so.

Mayor Castro stated that a harder decision may have to be made next year. It would be incumbent upon the legislature to educate residents on what their property taxes pay for.

Commissioner Osterman agreed with Mayor Castro and Vice-Mayor Daly regarding the raises for employees. She stated that the Town has not spent large amounts of money on ornate markers and pavers such as the ones she saw while driving through El Cid in West Palm Beach. The Town of Lake Park still has streets without markers due to hurricane damage. She could not justify cutting police service in the Town. She understood the burdens on homeowners and taxpayers. She was comfortable with reducing the budget to the mandated rollback without any additional cuts in the budget.

Town Manager Maria Davis stated that as she went through the budget process she noticed that the Town was very lean in the budget to begin with and there was not much that could be cut. She met with the Town employees and explained the cuts that may take place and no one became angry. She stated that the Town had a good group of people working for it. They understood and accepted the changes and asked very intelligent questions.

Vice-Mayor Daly stated that the Town's employees stuck with the Town when they were not being treated well financially. He did not want the employees to be hurt financially any further.

The Commission came to consensus to go back to the mandated rollback rate of 2006-2007 with no additional cuts to the budget.

Palm Beach County Fire Department for Fire Rescue Service

Jim St. Pierre of Palm Beach County Fire Rescue explained that the Fire Department operates an engine and a rescue unit. Both units have three people. Rescue Lieutenants were placed on both the engine and the rescue truck this year. Both units are advanced life support units. There is another spare engine that was not staffed and kept at another station.

Mayor Castro asked how old the engines were.

Mr. St. Pierre stated that the engine was two years old and the rescue was brought in this year.

Commissioner Balias asked if there was a call out to volunteers.

Mr. St. Pierre stated that Explorers meet at the Lake Park Station. The youth group meets every other Thursday night. He explained that the department has automatic aid. If the engine in Lake Park is dispatched and another engine is needed, an engine from North Palm Beach or Palm Beach Gardens is automatically dispatched. There had also been an upgrade to their CAD system. The system can send simultaneous calls at the same time. Information is sent to pagers that all employees have. There is no need to write any information down.

Vice-Mayor Daly stated that he had not heard any complaints about the Fire Rescue.

Mayor Castro stated that there was one painful complaint the first year that the Fire Department transitioned into the Town.

Vice-Mayor Daly stated that he appreciated what the Fire Department did for the Town.

Mayor Castro agreed and also appreciated what the Deputies do for the Town. He explained the increases in the budgets for both the Police Department and Fire Department. He stated that contracts may need to be renegotiated.

Mr. St. Pierre explained the current millage rate of 2.98 which generated 1.9 million. He stated that the millage rate would go down to 2.77 next year. With property values increasing it would generate approximately 2 million. It cost approximately 2.8 million to operate the Fire Rescue Department. There were currently six employees working at the Fire Department.

Commissioner Balias stated that he noticed American Medical Response (AMR) ambulances come through Town with the sirens on.

Mr. St. Pierre explained that a private ambulance is called for less serious incidents so that the life support rescue unit is not tied up. In November all transports would be done by the Fire Rescue Units. The private ambulances would be phased out over time.

Commissioner Osterman asked what kind of programs for the public have been done at the Fire Station and what programs could be implemented.

Mr. St. Pierre stated that there was a full public education staff at the Fire Department. He explained the different programs and events that take place for the public.

Mayor Castro stated that there was a summer camp over the last two weeks over at the Fire Department.

Commissioner Osterman stated she called for a presentation on car seat safety and they came to her home. She was aware of programs that departments held in different locations for the public.

Mr. St. Pierre explained that someone would have to be certified and it was a liability issue.

Streets and Roads

Town Manager Maria Davis gave a Power Point presentation (see Exhibit "A") regarding the revenues for streets and roads. She explained that there was a reduction from the state in the amount of \$4,287 in revenue. The local option ½ cent gas tax was reduced in the amount of \$2,063. The general fund was contributing \$100,000 to streets and roads to balance the budget in the past. A position was cut and expenses were cut to balance the budget without the general fund having to contribute.

Marina Fund

Town Manager Maria Davis stated that she was projecting increased revenues in the amount of \$84,000. The Marina was doing very well on fuel. The Marina was still at 75% occupancy. A lot of fuel was being sold at a 28% profit. Debt service had to be provided for a loan on the breakwater. She did not know if the grant would come through and had to budget a debt service for the wall in the amount of \$250,000.

Mayor Castro asked why the materials for the breakwater were still sitting on the dock.

Town Manager Maria Davis stated that she had a conversation with the engineer and asked them why the materials were not kept on the barge. She did not receive a good answer. Because of the type of work to be done on the breakwater, the work must be done at low tide. She made complaints to the engineers and since the complaints they have expedited their work.

Commissioner Carey asked how much the rental rate was for the rental facility at the Marina.

Town Manager Maria Davis stated that the fee for the facility at the Marina was \$300 per event for up to six hours.

Marina Manager Michael Klingensmith stated that there were three rentals so far that year and one last year.

Commissioner Carey suggested looking at the rental fee for the Marina facility and the slip rate fees.

Town Manager Maria Davis stated that the fees for the slips and the rental facility at the Marina could be reviewed. She was also looking at other options and would bring back a presentation of a new game plan that would increase the revenue for the rental facility at the Marina

Commissioner Balius asked if the wood table donated by Jim Knox was ever received.

Town Manager Maria Davis explained that the Town has it in the Conference Room in the chambers.

Sanitation

Town Manager Maria Davis stated that the sanitation rates would remain the same.

Mayor Castro stated that he was happy with the budget and proud of the Commission for choosing the roll back rate of 2006-2007 with no additional cuts and making that decision for the Town employees. He thanked staff, Town Manager Maria Davis and former Finance Director Cynthia Sementelli.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Balias and seconded by Vice-Mayor Daly, and by unanimous vote, the meeting adjourned at 8:55 p.m.

Mayor Castro

Deputy Clerk Jessica Shepherd

Town Clerk Vivian Mendez

Town Seal

Approved on this ____ of _____, 2007.

TAB 3

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No. _____

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> ORDINANCE ON FIRST READING
<input type="checkbox"/> BID/RFP Award
<input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input checked="" type="checkbox"/> RESOLUTION
<input type="checkbox"/> ORDINANCE ON SECOND READING
<input type="checkbox"/> DISCUSSION
<input checked="" type="checkbox"/> CONSENT AGENDA |
|---|---|

SUBJECT: Resolution No. 64-007 Supporting House Bill 1363

RECOMMENDED MOTION/ACTION: Adopt Resolution Supporting House Bill 1363

Approved by Town Manager

W. Davis

Date:

8/21/07

Vincent Mendez
 Name/Title

Aug. 10, 2007
 Date of Actual Submittal

Originating Department: Town Clerk	Costs: \$ 0 Funding Source: Acct. #	Attachments:
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input checked="" type="checkbox"/> Town Clerk <u>VNM</u> <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Florida House Representative Gonzalez and others introduced HB 1363 entitled "Organized Crime Activity". The proposed bill renames the "Criminal Street Gang Prevention Act of 1996" as the "Organized Crime Prevention Act of 2007". Staff recommends supporting HB 1363.

RESOLUTION NO. 64-09-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA TO SUPPORT HOUSE BILL 1363 ENTITLED "ORGANIZED CRIMINAL ACTIVITY," WHICH RENAMES AND AMENDS THE "CRIMINAL STREET GANG PREVENTION ACT OF 1996" AS THE "ORGANIZED CRIME GROUP PREVENTION ACT OF 2007;" URGING THE SUPPORT OF FLORIDA GOVERNOR CRIST, THE PALM BEACH COUNTY LEGISLATIVE DELEGATION, THE MAYOR OF EACH MUNICIPALITY IN PALM BEACH COUNTY, THE LEADERSHIP OF THE PALM BEACH COUNTY LEAGUE OF CITIES, THE LEADERSHIP OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING THAT THIS RESOLUTION BE FORWARDED TO FLORIDA GOVERNOR CRIST, THE PALM BEACH LEGISLATIVE DELEGATION, THE MAYOR OF EACH MUNICIPALITY IN PALM BEACH COUNTY, THE LEADERSHIP OF THE PALM BEACH COUNTY LEAGUE OF CITIES, THE LEADERSHIP OF THE FLORIDA LEAGUE OF CITIES AND EACH MEMBER OF THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONER PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Florida House Representative Gonzalez and others have introduced HB 1363 entitled "Organized Crime Activity;" and

WHEREAS, the bill renames the "Criminal Street Gang Prevention Act of 1996" as the "Organized Crime Group Prevention Act of 2007" and replaces the term "criminal street gang" with "organized crime group" throughout the Act and other referencing statutes; and

WHEREAS, the bill authorizes the Florida Department of Law Enforcement ("FDLE") to compile and retain additional information regarding organized crime groups for law enforcement purposes and authorizes local law enforcement agencies to compile crime group

information and to notify prosecutors of an arrested individual's organized crime group membership status; and

WHEREAS, the bill creates a term and condition of community supervision, that prohibits organized crime group members from communicating with any other organized crime group member through any means, except as authorized by certain entities for the purpose of aiding in the investigation of organized criminal activity; and

WHEREAS, the bill makes it a third degree felony for any person to use electronic communication to further any criminal purpose, to intimidate or harass other persons, or to advertise his or her presence in the community; and

WHEREAS, the bill makes it a second degree felony for any person to possess or manufacture any blank, forged, stolen, fictitious, fraudulent, counterfeit, or otherwise unlawfully issued identification document in furtherance of a criminal activity; and

WHEREAS, the bill requires FDLE to administer organized crime prevention and enforcement grants; and

WHEREAS, for these reasons, the Town Commission urges Florida Governor Crist, and the Florida Legislature to support HB 1363 and also urges the Palm Beach County Legislative Delegation, the mayor of each municipality in Palm Beach County, the leadership for the Palm Beach County League of Cities, the leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners to support HB 1363; and

WHEREAS, the Town Commission finds that this resolution should be forwarded to Florida Governor Crist, the Palm Beach County Legislative Delegation, the mayor of each municipality in Palm Beach County, the leadership for the Palm Beach County League of Cities,

the leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF
THE TOWN OF LAKE PARK:**

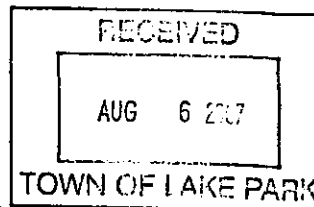
Section 1. The foregoing recitals are hereby incorporated as true and correct as the findings of fact and conclusions of law of the Town Commission.

Section 2. For the reasons stated herein above, the Town Commission of the Town of Lake Park urges Florida Governor Crist, and the Florida Legislature to support HB 1363 and also urges the Palm Beach County Legislative Delegation, the mayor of each municipality in Palm Beach County, the leadership for the Palm Beach County League of Cities, the leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners to support HB 1363.

Section 3. The Town Commission hereby directs that this resolution be forwarded immediately to Florida Governor Crist, and the Florida Legislature to support HB 1363 and also urges the Palm Beach County Legislative Delegation, the mayor of each municipality in Palm Beach County, the leadership for the Palm Beach County League of Cities, the leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners.

Section 4. This Resolution shall take effect immediately upon its adoption.

RESOLUTION NO. 007-8



A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF GULF STREAM, FLORIDA TO SUPPORT HOUSE BILL 1363 ENTITLED "ORGANIZED CRIMINAL ACTIVITY," WHICH RENAMES AND AMENDS THE "CRIMINAL STREET GANG PREVENTION ACT OF 1996" AS THE "ORGANIZED CRIME GROUP PREVENTION ACT OF 2007;" URGING THE SUPPORT OF FLORIDA GOVERNOR CRIST, THE PALM BEACH COUNTY LEGISLATIVE DELEGATION, THE MAYOR OF EACH MUNICIPALITY IN PALM BEACH COUNTY, THE LEADERSHIP OF THE PALM BEACH COUNTY LEAGUE OF CITIES, THE LEADERSHIP OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING THAT THIS RESOLUTION BE FORWARDED TO FLORIDA GOVERNOR CRIST, THE PALM BEACH COUNTY LEGISLATIVE DELEGATION, THE MAYOR OF EACH MUNICIPALITY IN PALM BEACH COUNTY, THE LEADERSHIP OF THE PALM BEACH COUNTY LEAGUE OF CITIES, THE LEADERSHIP OF THE FLORIDA LEAGUE OF CITIES AND EACH MEMBER OF THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONER PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida House Representative Gonzalez and others have introduced HB 1363 entitled "Organized Crime Activity;" and

WHEREAS, the bill renames the "Criminal Street Gang Prevention Act of 1996" as the "Organized Crime Group Prevention Act of 2007" and replaces the term "criminal street gang" with "organized crime group" throughout the Act and other referencing statutes; and

WHEREAS, the bill authorizes the Florida Department of Law Enforcement ("FDLE") to compile and retain additional information regarding organized crime groups for law enforcement purposes and authorizes local law enforcement agencies to compile crime group information and to notify prosecutors of an arrested individual's organized crime group membership status; and

WHEREAS, the bill creates a term and condition of community supervision, that prohibits organized crime group members from communicating with any other organized crime group member through any means, except as authorized by certain entities for the purpose of aiding in the investigation of organized criminal activity; and

WHEREAS, the bill makes it a third degree felony for any person to use electronic communication to further any criminal purpose, to intimidate or harass other persons, or to advertise his or her presence in the community; and

WHEREAS, the bill makes it a second degree felony for any person to possess or manufacture any blank, forged, stolen, fictitious, fraudulent, counterfeit, or otherwise unlawfully issued identification document in furtherance of a criminal activity; and

WHEREAS, the bill requires FDLE to administer organized crime prevention and enforcement grants; and

WHEREAS, for these reasons, the Town Commission urges Florida Governor Crist, and the Florida Legislature to support HB 1363 and also urges the Palm Beach County Legislative Delegation, the mayor of each municipality in Palm Beach County, the leadership for the Palm Beach County League of Cities, the leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners to support HB 1363; and

WHEREAS, the Town Commission finds that this resolution should be forwarded to Florida Governor Crist, the Palm Beach County Legislative Delegation, the mayor of each municipality in Palm Beach County, the leadership for the Palm Beach County League of Cities, the leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners.

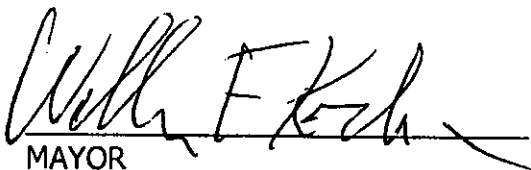
NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF GULF STREAM, FLORIDA THAT:

Section 1: The foregoing recitals are hereby ratified and confirmed.

Section 2: For the reasons stated herein above, the Town Commission of the Town of Gulf Stream urges Florida Governor Crist, and the Florida Legislature to support HB 1363 and also urges the Palm Beach County Legislative Delegation, the mayor of each municipality in Palm Beach County, the leadership for the Palm Beach County League of Cities, the leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners to support HB 1363.

Section 3: The Town Commission hereby directs that this resolution be forwarded immediately to Florida Governor Crist, and the Florida Legislature to support HB 1363 and also urges the Palm Beach County Legislative Delegation, the mayor of each municipality in Palm Beach County, the leadership for the Palm Beach County League of Cities, the leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners.

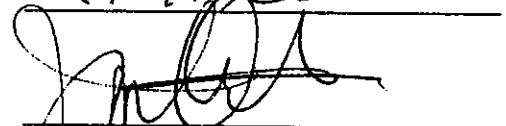
Section 4: This resolution shall become effective immediately upon its adoption.
PASSED AND ADOPTED in a regular session this 27th day of July, 2007.


MAYOR



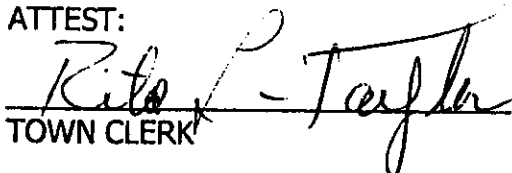






TOWN COMMISSION

ATTEST:


TOWN CLERK

TAB 4

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No.

- ☐ PUBLIC HEARING ☒ RESOLUTION
- ☐ ORDINANCE ON FIRST READING ☐ ORDINANCE ON SECOND READING
- ☐ BID/RFP Award ☐ DISCUSSION
- ☐ GENERAL APPROVAL OF ITEM ☒ ~~CONSENT AGENDA~~
- ☐ Other:

SUBJECT: Signature Resolution

RECOMMENDED MOTION/ACTION: Approve resolution authorizing signatories on the Town of Lake Park bank accounts.

Approved by Town Manager

W. Davis

Date:

Anne M. Costello / Finance Director
 Name/Title

9/14/07
 Date of Actual Submittal

Originating Department: Finance	Costs: \$ N/A Funding Source: Acct. #	Attachments: Signature Resolution
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney <u>N/A</u> _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>AMS</u> : Please initial one.

Summary Explanation/Background: This resolution is necessary to change the authorized signatories on the specified bank accounts to conduct Town business.

RESOLUTION NO. 71-09-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPOINTING MAYOR PAUL WAYNE CASTRO, VICE MAYOR EDWARD DALY, COMMISSIONER GORDON C. BALIUS AND FINANCE DIRECTOR ANNE M. COSTELLO AS AUTHORIZED SIGNATORIES ON NATIONAL CITY BANK ACCOUNTS PAYABLE ACCOUNT # 2277656, PAYROLL ACCOUNT #1565960 AND REVENUE ACCOUNT #1531509 REMOVING ANY UNAUTHORIZED SIGNATORY ON SAID ACCOUNTS, ANY PERSON PREVIOUSLY APPOINTED AS SUCH AND NOT NAMED HEREIN; DIRECTING THAT ALL AUTHORIZED SIGNATORIES ON SAID ACCOUNTS COMPLETE AND EXECUTE SIGNATURE CARDS, FACSIMILE SIGNATURE CARD, AND RESOLUTIONS AND/OR OTHER BANK DOCUMENTS NECESSARY TO EFFECT THE IMPLEMENTAION OF THIE RESOLUTION; DIRECTING THE TOWN CLERK TO PROVIDE CERTIFIED COPY OF THIS RESOLUTION TO THE BANKING INSTITUTION NAMED HEREIN; PROCIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AS FOLLOWS:

Section 1. The following persons are hereby appointed as authorized signatories on National City Bank Accounts Payable Account #2277656, Payroll Account #1565960, and Revenue Account #1531509:

Mayor Paul Wayne Castro
Vice Mayor Edward Daly

Commissioner Gordon C. Balius
Finance Director Anne M. Costello

Section 2. All persons named herein as authorized signatories on said accounts are hereby directed to complete and execute signature cards, facsimile signature card, bank resolutions and/or other bank documents necessary to effect the implementation of this Resolution.

Section 3. The Town Clerk is hereby directed to provide a certified copy of this Resolution to the banking institution named herein.

Section 4. This Resolution shall become effective immediately upon its adoption.

TAB 5

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: **September 12, 2007**

Agenda Item No. _____

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: _____ | <input checked="" type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input checked="" type="checkbox"/> CONSENT AGENDA |
|---|---|

SUBJECT: Resolution to vacate a previously owned Town property located at 854 Hawthorne Drive.

RECOMMENDED MOTION/ACTION: Motion to approve.

Approved by Town Manager

W. Davis

Date:

9/4/07

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Resolution
Department Review: <input type="checkbox"/> Town Attorney KER082807 <input type="checkbox"/> Community Affairs _____ <input checked="" type="checkbox"/> Community Development <i>an</i>	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ <i>an</i> or Not applicable in this case _____ Please initial one.

Summary Explanation/Background: In 1973 the Town transferred ownership of a formerly Town owned lot located at 854 Hawthorne Drive to J.H. Newman and Thelma G. Newman by a Quit-Claim Deed. However, the Town did not officially vacate the property through an abandonment resolution. The property has since been sold to a Donald J and Isabella B Delaney and they are in the process reselling the Hawthorne Drive property. The title company will not provide title insurance until the subject property has been properly vacated by the Town. The proposed Resolution will simply formalize the abandonment and allow the current property owners clear title so that they can proceed with the sale.

RESOLUTION NO. 73-09-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, RATIFYING AND AFFIRMING THE ABANDONMENT OF THE REAL PROPERTY LOCATED AT 854 HAWTHORNE DRIVE IN THE TOWN OF LAKE PARK, FLORIDA AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE REPEAL OF ALL RESOLUTIONS AND LAWS IN CONFLICT; PROVIDING FOR RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on or about October 10, 1973, the Town of Lake Park ("Town"), vacated, abandoned, and conveyed certain real property bearing a street address of 854 Hawthorne Drive in the Town of Lake Park, Florida ("subject property") to J.H. Newman and Thelma C. Newman, his wife ("Former Owners") by a Quit-Claim Deed recorded in Official Record Book 2224, Page 850 of the Public Records of Palm Beach County, Florida, and bearing a Property Control Number of 36-43-42-20-01-008-0231; and

WHEREAS, the legal description of the subject property as reflected in the Quit Claim Deed is as follows:

West 30 feet of Lot 23, Block 8, Plat of Kelsey City, as recorded in Public Records of Palm Beach County, Florida, in Plat Book 8, Page 34; together with Lot 47 of said Block 8, said Lot 47 being identified as such on the Town Map of Lake Park, Florida and being more particularly described as follows: Beginning at the North west corner of Lot 23, Block B, LAKE PARK (formerly Kelsey City), according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 8, page 34, which is also a point on the South right of way line of Hawthorne Drive, proceed West along said South right of way line of Hawthorne Drive fifty-eight (58) feet to a point; Thence run Southeasterly along the line which is the Southerly projection of the Easterly right of way line of Ninth Street as shown on said Plat, a distance of 119.3 feet more or less to a point in the Westerly extension of the South line of said Lot 23, thence run East along said Westerly projection a distance of 12 feet to the Southwest corner of said Lot 23, Block 8, thence run North along the West line of said Lot 23, a distance of 110 feet to the Point of Beginning.

WHEREAS, a search of the Town's records and the Public Records of Palm Beach County, reveals that there is no Resolution or Ordinance of the Town Commission reflecting the formal abandonment and vacation of the subject property in 1973; and

WHEREAS, since the initial conveyance to the Former Owners, the subject property has been sold, and the current owners are Donald J. Delaney and Isabella B. Delaney, his wife ("Current Owners"); and

WHEREAS, the Current Owners are in the process of selling the subject property, but in order to obtain title insurance for the subject property, the title company is requiring a Resolution from the Town Commission evidencing the Town's abandonment and vacation of all of the Town's rights, title, and interest in the subject property; and

WHEREAS, since the Town does not own the subject property, the Town cannot abandon the subject property at the present time, but can only memorialize the abandonment of the subject property which occurred in 1973; and

WHEREAS, at the time of the original conveyance of the subject property by the Town to the Former Owners in October 1973 and at the present time, there are no utilities located within the subject property; and

WHEREAS, in addition at the time of the original conveyance of the subject property by the Town to the Former Owners in October 1973, there were no objections to the conveyance and abandonment of the subject property by any of the then existing utility providers; and

WHEREAS, the Town Commission has heard this matter in public session after due notice of the public hearing, and has considered the presentation and other evidence; has received and considered the recommendations of the Town Staff and the request of the Current Owners; and has otherwise been fully informed regarding this matter.

WHEREAS, the Town Commission held a public hearing on this matter on September 12, 2007, and determined that it is in the public interest to ratify and affirm the 1973 abandonment of the subject property described herein, and

WHEREAS, the Town Commission has determined that the 1973 abandonment of the subject property, did not materially interfere with the provision of any public services and utilities within the Town, and did not materially deprive any person of access to utilities or other public services, nor did the abandonment otherwise adversely affect other property owners within the Town; and.

WHEREAS, since the former Town Commission determined in October of 1973 that the subject property was no longer necessary or needed by the public, and should be abandoned and conveyed, this current Town Commission hereby ratifies and affirms that determination and the abandonment and vacation of all rights, title and interest of the Town in the subject property; and,

WHEREAS, the Town Commission deems it in the best interest of the public to formally memorialize the abandonment of the subject property as herein described in this Resolution, and that this Resolution be recorded in the public records of Palm Beach County, Florida upon adoption; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:

Section 1. The whereas clauses are incorporated herein as true and correct findings of fact and conclusions of law of the Town Commission.

Section 2. The Town Commission hereby ratifies and affirms the abandonment of the subject property, (subject to the conditions set forth in Section 3 hereof), located at 854 Hawthorne Drive in the Town of Lake Park, Florida as legally described as follows:

West 30 feet of Lot 23, Block 8, Plat of Kelsey City, as recorded in Public Records of Palm Beach County, Florida, in Plat Book 8, Page 34; together with Lot 47 of said Block 8, said Lot 47 being identified as such on the Town Map of Lake Park, Florida and being more particularly described as follows: Beginning at the North west corner of Lot 23, Block B, LAKE PARK (formerly Kelsey City), according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 8, page 34, which is also a point on the South right of way line of Hawthorne Drive, proceed West along said South right of way line of Hawthorne Drive fifty-eight (58) feet to a point; Thence run Southeasterly along the line which is the Southerly projection of the Easterly right of way line of Ninth Street as shown on said Plat, a distance of 119.3 feet more or less to a point in the Westerly extension of the South line of said Lot 23, thence run East along said Westerly projection a distance of 12 feet to the Southwest corner of said Lot 23, Block 8, thence run North along the West line of said Lot 23, a distance of 110 feet to the Point of Beginning.

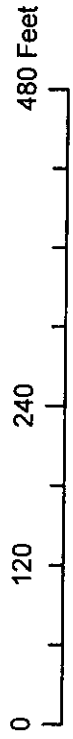
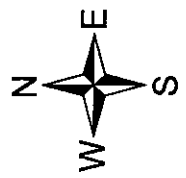
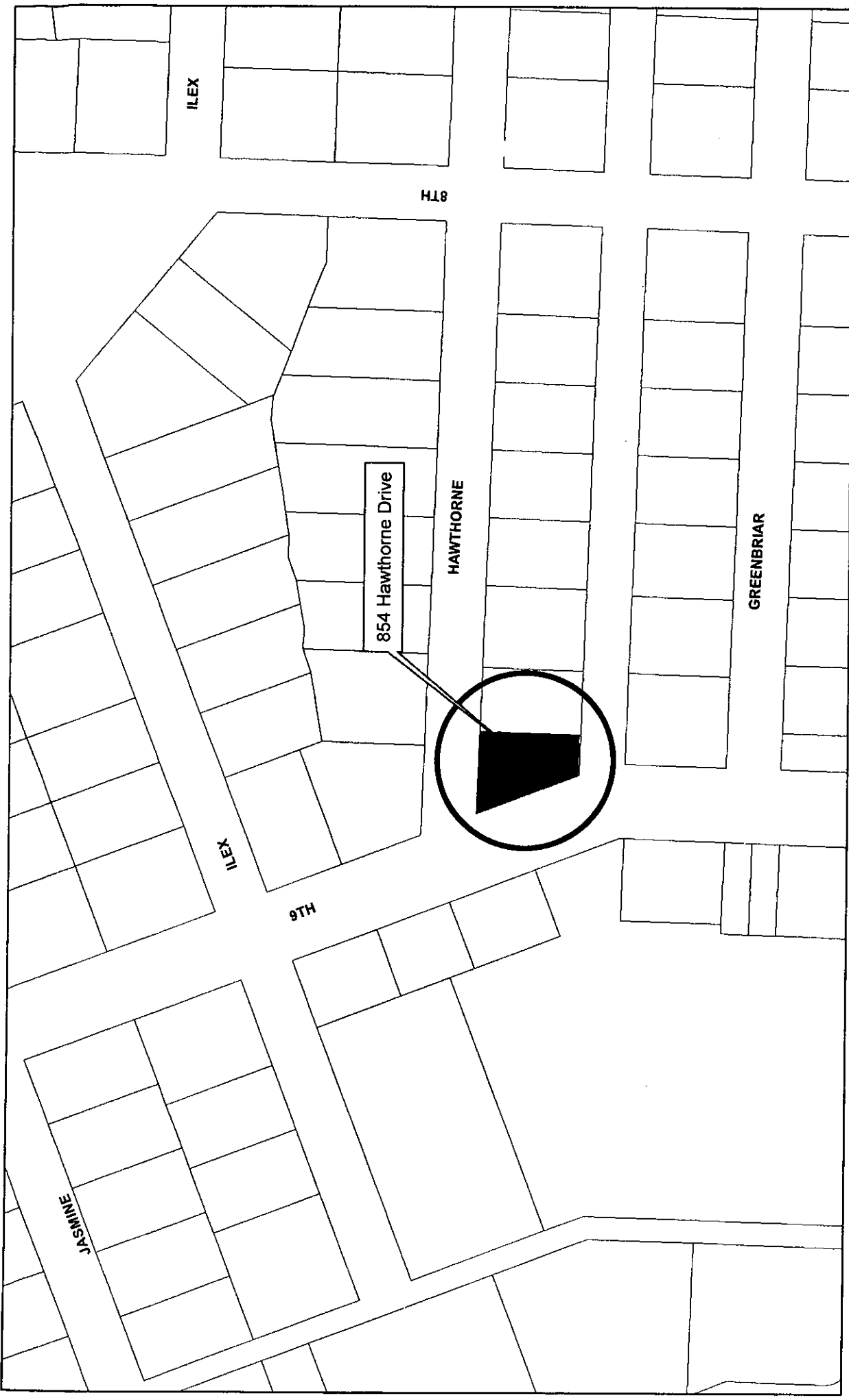
Section 3. This abandonment is subject to the following conditions, which shall be binding on the Current Owners and their successors and assigns:

(1) Since the time of the abandonment as of October 10, 1973, all owners of the subject property (and their successors and assigns) shall be solely responsible for all costs and expenses for the use, repair, replacement, and maintenance of the abandoned subject property.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Upon its complete execution by the parties, the Town Clerk shall record a certified copy of this Resolution with the Clerk of the Circuit Court.

Section 6. This Resolution shall take effect immediately upon adoption.



854 Hawthorne Drive Abandonment

Patrick Sullivan, AICP - Director
Community Development Department
Town of Lake Park
535 Park Ave Lake Park FL 33403
561-881-3319 561-881-3323 (fax)
psullivan@lakeparkflorida.gov

August 27, 2007

TAB 6

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No.

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input checked="" type="checkbox"/> CONSENT AGENDA |
|---|---|

SUBJECT: Resolution authorizing the Mayor to execute an Interlocal Agreement with Palm Beach County for the reimbursement of costs expended by the Town for the installation of street lighting improvements along Silver Beach Road between Congress Avenue and Avenue "S" within the Town corporate limits, in an amount not to exceed \$58,000.00.

RECOMMENDED MOTION/ACTION: Motion to approve.

Approved by Town Manager

[Signature: M. Davis]

Date:

9/7/07

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Contract
Department Review: <input type="checkbox"/> Town Attorney KER082907 <input type="checkbox"/> Community Affairs _____ <input checked="" type="checkbox"/> Community Development <i>[Signature]</i>	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ <i>[Signature]</i> or Not applicable in this case _____ Please initial one.

Summary Explanation/Background: This Agreement provides that the County shall reimburse the Town the amount of \$58,000.00 of the costs for the installation and maintenance of street lights along the western portion of Silver Beach Road. This was originally a request from County Commissioner Addie Greene to install street lighting along Silver Beach Road from Avenue S to Congress Avenue along the south side of Silver Beach Road. The Commission approved the request at their May 16, 2007 meeting.

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No. _____

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: _____ | <input checked="" type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input checked="" type="checkbox"/> CONSENT AGENDA |
|---|---|

SUBJECT: Resolution to have the mayor sign an interlocal reimbursement agreement with Palm Beach County to provide for \$58,000 to pay for the installation and maintenance of street light poles along Silver Beach Road.

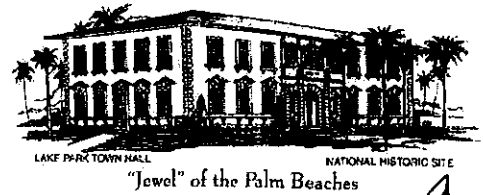
RECOMMENDED MOTION/ACTION: Motion to approve

Approved by Town Manager _____ **Date:** _____

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Contract
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input checked="" type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: This is the agreement that will authorize the county to pay the Town \$58,000 as reimbursement for installing and maintaining of street lights along the western portion of Silver Beach Road. This was originally a request from County Commissioner Addie Greene to install street lighting along Silver Beach Road from Avenue S to Congress Avenue along the south side of Silver Beach Road. The Commission approved the request at the May 16th meeting.

**Town of Lake Park
Community Development Department**



Patrick Sullivan, AICP, Director

Memo Date: September 5, 2007

To: Maria

Re: Silver Beach Lighting agreement

Attached is the resolution the Mayor needs to sign so that the County can give us funds to do the lighting on Silver Beach Road.

I am still waiting for the contract to come in the mail. However, since I will be gone through Friday I thought I should get you the resolution so that you can include it in the packet. If the contract comes tomorrow or Friday I will have Nadia bring it up. If it doesn't come in Thursday's mail I will have Nadia call them to see where it is.

It is important to push this through as soon as possible so that the County can do it on their October meeting. If we wait until the 26th it may get pushed back a couple of months.

If the contract isn't here by Friday I will leave it to you to decide how to proceed. Most likely we can get it before the Wed meeting ... what I don't know is if the TC doesn't see the contract ahead of time will they still let it be on the agenda.

Patrick Sullivan, AICP Director
Community Development Department
881-3319 fax 881-3323
psullivan@lakeparkflorida.gov

RESOLUTION NO. 67-09-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF LAKE PARK AND PALM BEACH COUNTY FOR THE REIMBURSEMENT OF DOCUMENTED COSTS IN AN AMOUNT NOT TO EXCEED FIFTY EIGHT THOUSAND DOLLARS (\$58,000.00), INCURRED BY THE TOWN FOR THE DESIGN, INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING ALONG SILVER BEACH ROAD BETWEEN CONGRESS AVENUE AND AVENUE "S" IN THE TOWN OF LAKE PARK; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town is empowered to enter into contractual arrangements with public agencies, private corporations or other persons, pursuant to Florida Statutes; and

WHEREAS, the Town is undertaking the installation of street lighting improvements, which include the design, installation, operation, and maintenance of the street lighting along Silver Beach Road between Congress Avenue and Avenue "S" within the Town; and

WHEREAS, Palm Beach County ("County") believes that the street lighting improvements to be installed by the Town along Silver Beach Road, serve a public purpose in the enhancement and safety of the Town, and

WHEREAS, the County wishes to support the Town's installation of the street lighting improvements by providing supplemental reimbursement funding for the Town's documented costs of the street lighting improvements in an amount not to exceed fifty eight thousand dollars (\$58,000.00); and

WHEREAS, after the installation of the street lighting, the Town will be responsible for the subsequent maintenance of the street lighting improvements; and

WHEREAS, both the Town and Palm Beach County have already entered into contracts with Erdman Anthony of Florida, Inc., for professional services related to the design and construction of this street lighting project; and

WHEREAS, the Town has budgeted funds in its 2008 fiscal year budget which are available for the street lighting project, and the Town Commission desires to take advantage of the agreement by the County to provide \$58,000.00 in reimbursement funding for the documented costs of the street lighting improvements; and

WHEREAS, the funding agreement has been memorialized in a written Interlocal Agreement between the parties, and a copy of the Interlocal Reimbursement Agreement between the Town and Palm Beach County is attached hereto as **Exhibit "A"**; and

WHEREAS, Town staff is recommending that the Town Commission authorize and direct the Mayor to execute the attached Interlocal Agreement on behalf of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:

Section 1. The whereas clauses are hereby incorporated herein as true and correct findings of fact of the Town Commission.

Section 2. The Mayor is hereby authorized and directed to execute the Interlocal Reimbursement Contract between the Town of Lake Park and Palm Beach County attached hereto as **Exhibit "A"**.

Section 3.

This Resolution shall take effect immediately upon its adoption.



**Department of Engineering
and Public Works**

P.O. Box 21229

West Palm Beach, FL 33416-1229

(561) 684-4000

Fax: (561) 000-0000

www.pbcgov.com



**Palm Beach County
Board of County
Commissioners**

Addie L. Greene, Chairperson

Jeff Koons, Vice Chair

Karen T. Marcus

Mary McCarty

Burt Aaronson

Jess R. Santamaria

County Administrator

Robert Weisman

Town of Lake Park
Mr. Patrick Sullivan
Community Development Director
535 Park Avenue
Lake Park, Florida 33403

Re: **Silver Beach Road/Congress Avenue to Avenue 'S'
Street Lighting – District 7 (revisited)**

Dear, Mr. Sullivan

Enclosed are two originals of the Interlocal Agreement for the subject location. Please have both originals signed and returned to me as soon as possible.

Following the Board action, one fully executed original of the Agreement will be sent to you for your records.

Any questions regarding this issue, please do not hesitate to call Owen Miley at 561-684-4018.

Sincerely

A handwritten signature in black ink, appearing to read "Owen Miley".

Owen Miley
Special Projects Coordinator

OM/bj

*"An Equal Opportunity
Affirmative Action Employer"*



printed on recycled paper

**REIMBURSEMENT AGREEMENT
WITH PALM BEACH COUNTY AND
THE TOWN OF LAKE PARK
FOR THE INSTALLATION OF STREET LIGHTING
ON SILVER BEACH ROAD FROM AVENUE 'S' TO CONGRESS AVENUE**

THIS REIMBURSEMENT AGREEMENT is made and entered into this _____ day of _____, by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida, hereinafter referred to as "**COUNTY**" and **THE TOWN OF LAKE PARK**, a municipal corporation of the State of Florida hereinafter referred to as "**TOWN**"

WITNESSETH:

WHEREAS, the **TOWN** is undertaking the installation of street lighting along Silver Beach Road within the **TOWN** limits hereinafter referred to as "**IMPROVEMENTS**"; and

WHEREAS, the **IMPROVEMENTS** include the design, installation, operation, and maintenance of street lighting within the **TOWN** limits; and

WHEREAS, the **COUNTY** believes that the **IMPROVEMENTS** to this street serve a public purpose in the enhancement and safety of the **TOWN** and wishes to support the **IMPROVEMENTS** by providing supplemental reimbursement funding for the documented costs of the **IMPROVEMENTS** in an amount not to exceed **FIFTY EIGHT THOUSAND DOLLARS (\$58,000)** and

WHEREAS, after the installation of the **IMPROVEMENTS**, the **TOWN** will be responsible for the subsequent maintenance of the **IMPROVEMENTS**.

NOW THEREFORE, in consideration of the mutual covenants, promises, and agreements herein contained, the parties agree as follows:

1. The above recitals are true, correct and incorporated herein.
2. The **COUNTY** agrees to provide to the **TOWN** reimbursement funding for documented costs of the **IMPROVEMENTS** in an amount not to exceed **FIFTY EIGHT THOUSAND DOLLARS (\$58,000)**.
3. The **COUNTY** agrees to reimburse the **TOWN** the amount established in paragraph 2 for costs associated with the **IMPROVEMENTS**, upon the **TOWN'S** submission of acceptable documentation needed to substantiate its cost for the **IMPROVEMENTS**. The **COUNTY** will use its best efforts to provide said funds to

the **TOWN** on a reimbursement basis within forty-five (45) days of receipt of all information required in paragraph 6, below.

4. The **COUNTY's** obligation is limited to its payment obligation and shall have no obligation to any other person or entity.

5. The **TOWN** agrees to assume all responsibility for design, bidding, contract preparation, and contract administration necessary for the **IMPROVEMENTS**, including payment(s) to contractor(s) pursuant to all applicable governmental laws and regulations.

6. The **TOWN** will obtain or provide all labor and materials necessary for the **IMPROVEMENTS**. The **TOWN** shall furnish to the **COUNTY'S** representative a request for payment supported by the following:

A Contract Payment Request Form and a Contractual Services Purchases Schedule Form, attached hereto and incorporated herein as Exhibit "A" (pages 1 & 2), which are required for each and every reimbursement to the **TOWN**. Said information shall list each invoice payable by the **TOWN** and shall include the vendor invoice number, invoice date, and the amount payable by the **COUNTY**. The **TOWN** shall attach a copy of each vendor invoice paid by the **TOWN** along with a copy of the respective check and shall make reference thereof to the applicable item listed on the Contractual Services Purchases Schedule Form. Further, the **TOWN'S** Financial Officer shall also certify that each invoice listed on the Contractual Services Purchases Schedule Form was paid by the **TOWN** as indicated.

7. As it relates to this Agreement, the **COUNTY** may initiate a financial systems analysis and/or an internal fiscal control evaluation of the **TOWN** by an independent auditing firm employed by the **COUNTY** or by the County Internal Audit Department at any time the **COUNTY** deems necessary.

8. The **TOWN** agrees to be responsible for the subsequent maintenance of the **IMPROVEMENTS** following installation. The **TOWN** shall be solely responsible for obtaining and complying with all necessary permits, approvals and authorizations from any federal, state, regional, **COUNTY** or agency which are required for the **IMPROVEMENTS**.

9. The **IMPROVEMENTS** shall be completed and final invoices submitted to the **COUNTY** no later than November 30, 2009, and the **COUNTY** shall have no

obligation to the **TOWN** or any other entity or person for any cost incurred thereafter unless the time for completion is extended by modification of this Agreement.

10. Each party shall be liable for its own actions and negligence and to the extent permitted by law; the **TOWN** shall indemnify, defend and hold harmless the **COUNTY** against any actions, claims or damages arising out of the **TOWN'S** negligence in connection with this Agreement or the performance by the **TOWN** as it may relate to this Agreement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth in Florida Statutes, Section 786.28, nor shall the same be construed to constitute agreement by either party to indemnify the other party for such other party's negligence, willful or intentional acts or omissions.

11. The **TOWN** shall, at all times during the term of this Agreement, maintain appropriate insurance.

12. As provided in F.S. 287.132-133, by entering into this Agreement or performing any work in furtherance hereof, the **TOWN** certifies that its affiliates, suppliers, sub-contractors, and consultants who perform work hereunder, have not been placed on the convicted vendor list maintained by the State of Florida Department of Management Services within 36 months immediately preceding the date hereof. This notice is required by F.S. 287.133(3)(a).

13. The **TOWN** shall require each contractor engaged by the **TOWN** for work associated with this Agreement to maintain:

Workers' Compensation coverage in accordance with Florida Statutes, and;

- a. Commercial General Liability coverage, including vehicle coverage, in combined single limits of not less than ONE MILLION DOLLARS (\$1,000,000.00). The **COUNTY** shall be included in the coverage as an additional insured.
- b. A payment and performance bond for the total amount of the **IMPROVEMENTS** in accordance with Florida Statute 255.05.

14. In the event of termination, the **TOWN** shall not be relieved of liability to the **COUNTY** for damages sustained by the **COUNTY** by virtue of any breach of the Agreement by the **TOWN**; and the **COUNTY** may withhold any payment to the **TOWN** for the purpose of set-off until such time as the exact amount of damages due the **COUNTY** is determined.

15. The TOWN'S termination of this Agreement shall result in all obligations of the COUNTY for funding contemplated herein to be cancelled.

16. The COUNTY and TOWN agree that no person shall, on the grounds of race, color, national origin, sexual orientation, religion or creed, sex, age, or handicap be discriminated against in performance of this Agreement.

17. In the event that any section, paragraph, sentence, clause or provision hereof is held invalid by a court of competent jurisdiction, such holding shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect.

18. All notices required to be given under this Agreement shall be in writing, and deemed sufficient to each party when sent by United States Mail, postage paid, to the following:

AS TO THE COUNTY

Engineering and Public Works Department
Tanya N. McConnell, P.E.
Deputy County Engineer
P.O. Box 21229
West Palm Beach, Florida 33416-1229

AS TO THE CITY

The Town of Lake Park
Mr. Patrick Sullivan
Community Development Director
535 Park Avenue
Lake Park, Florida 33403

19. This Agreement shall be construed and governed by the laws of the State of Florida. Any legal action necessary to enforce this Agreement shall be held in Palm Beach County. No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every other remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power or remedy shall preclude any other or further exercise thereof.

20. Any costs or expenses (including reasonable attorney's fees) associated with the enforcement of the terms and conditions of this Agreement shall be borne by the respective parties; provided, however, that this clause pertains only to the parties to the Agreement.

21. Except as expressly permitted herein to the contrary, no modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and equality of dignity herewith.
22. Each party agrees to abide by all laws, orders, rules and regulations and the TOWN will comply with all applicable governmental codes during the IMPROVEMENTS.
23. Each party shall promptly notify the other of any lawsuit-related complaint, or cause of action threatened or commenced against it which arises out of or relates, in any manner, to the performance of this Agreement.
24. The parties expressly covenant and agree that in the event any of the parties is in default of its obligations under this Agreement, the parties not in default shall provide to the defaulting party thirty (30) days written notice before exercising any of their rights.
25. The preparation of this Agreement has been a joint effort of the parties, and the resulting document shall not solely as a matter of judicial constraint, be construed more severely against one of the parties than the other.
26. This Agreement represents the entire understanding among the parties, and supercedes all other negotiations, or agreements, written or oral, relating to this Agreement.
27. The County will file a copy of this Agreement with the Clerk of the Circuit Court in and for Palm Beach County, Florida.
28. This Agreement shall take effect upon execution and the effective date shall be the date of execution.

REMAINDER OF PAGE LEFT BLANK

IN WITNESS WHEREOF, the parties have executed this Agreement and it is effective on the date first above written.

THE TOWN OF LAKE PARK

**PALM BEACH COUNTY, FLORIDA, BY IT'S
BOARD OF COUNTY COMMISSIONERS**

By: _____
Mayor

By: _____
Chair

ATTEST:

ATTEST:

SHARON R. BOCK, CLERK

By: _____
City Clerk

By: _____
Deputy Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
City Attorney

By: _____
Assistant County Attorney

Date: _____

By: _____

**APPROVED AS TO TERMS
AND CONDITIONS**

By: _____

Date: _____

TAB 7

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No.

- | | |
|--|--|
| <input checked="" type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> ORDINANCE ON FIRST READING
<input type="checkbox"/> BID/RFP Award
<input type="checkbox"/> GENERAL APPROVAL OF ITEM
<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION
<input type="checkbox"/> ORDINANCE ON SECOND READING
<input type="checkbox"/> DISCUSSION
<input type="checkbox"/> CONSENT AGENDA |
|--|--|

SUBJECT: Sanitation Rates for FY2007-2008

RECOMMENDED MOTION/ACTION: The Town Commission make a motion to approve Resolution #69-09-07 establishing the 2007-2008 sanitation rates, fees, charges, billings, Collection and related administrative policies for Residential, Governmental and Commercial refuse and recyclables collection services.

Approved by Town Manager *H. Davis* Date: 9/7/07
Ann M. Costello /Finance Director
 Name/Title 9/7/07
 Date of Actual Submittal

Originating Department: Finance	Costs: \$ N/A Funding Source: Acct. #	Attachments: Resolution No. 69-09-07
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input checked="" type="checkbox"/> Finance <u><i>AMC</i></u>	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input checked="" type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: As part of the Town code section 24-111, the Town is Required to establish rates, fees and administrative policies for the collection or residential and Commercial refuse and recyclables.

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No.

- | | |
|---|--|
| <input checked="" type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> ORDINANCE ON SECOND READING |
| <input type="checkbox"/> BID/RFP Award | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other: | |

SUBJECT: Sanitation Rates for FY2007-2008

RECOMMENDED MOTION/ACTION: The Town Commission make a motion to approve Resolution #69-09-07 establishing the 2007-2008 sanitation rates, fees, charges, billings, Collection and related administrative policies for Residential, Governmental and Commercial refuse and recyclables collection services.

Approved by Town Manager _____ Date: _____
Ann M. Costello /Finance Director 9/7/06
Name/Title Date of Actual Submittal

Originating Department: Finance	Costs: \$ N/A Funding Source: Acct. #	Attachments: Resolution No. 69-09-07
Department Review: <input type="checkbox"/> Community Affairs <input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance	<input type="checkbox"/> Fire Dept <input type="checkbox"/> Grants <input type="checkbox"/> Human Resources <input type="checkbox"/> Library <input type="checkbox"/> Marina	<input type="checkbox"/> PBSO <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Town Attorney <i>JRS</i> <input type="checkbox"/> Town Clerk <input checked="" type="checkbox"/> Town Manager
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____ Please initial one.

Summary Explanation/Background: As part of the Town code section 24-111, the Town is Required to establish rates, fees and administrative policies for the collection of residential and Commercial refuse and recyclables.

RESOLUTION NO. 68-09-07

A RESOLUTION OF THE COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA; ESTABLISHING THE SCHEDULE OF FEES AND CHARGES FOR RESIDENTIAL, GOVERNMENTAL AND COMMERCIAL REFUSE AND RECYCLABLES COLLECTION SERVICES; PROVIDING FOR LATE FEES, FREQUENCY OF BILLING AND OTHER MATTERS RELATING TO COLLECTION POLICY; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 24-111 of the Lake Park Code provides that the Town Commission shall set rates, fees and charges for residential, governmental and commercial refuse and recyclables collection services by Resolution or other official action; and

WHEREAS, said Section provides for establishment of policy pertaining to billing collection and related administrative policies by Resolution or other official action;

WHEREAS, the Town has determined that it is the best interest of the Town to establish the rates, fees and charges for Residential, Governmental, and Commercial refuse and recyclables collection services as described in "EXHIBIT A" and "EXHIBIT B" and attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AS FOLLOWS:

SECTION I

The rates, fees, charges, billing, collection and related administrative policies for Residential, Governmental and Commercial refuse and recyclables collection services as provided in the attached Exhibit A and Exhibit B are hereby established.

SECTION II

Repeal prior Resolution of former rates.

SECTION III

This Resolution shall take effect upon adoption.

EXHIBIT A

RESIDENTIAL COLLECTION SERVICE FEES (Base Level of Service)

ANNUAL ASSESSMENT/UNIT

Single-Family	\$155.80
Mobile Homes	\$155.80
Multi-Family <5/bldg.	\$155.80
Multi-Family >4/bldg.	\$ 91.10

I BASE LEVEL OF SERVICE:

1. Can Service - (Garbage/household trash)
Twice (2) /week - Monday and Thursday
2. Dumpster Service - (Garbage/household trash)
minimum twice (2)/week
3. Vegetation - (Bagged clippings/bulk cuttings)
two (2) cubic yards or less - Monday
4. Bulk Household Trash (furniture, white goods, etc.)
one (1) item or two (2) cubic yards or less -Thursday
5. Recyclables - once (1) week - Wednesday

II SPECIAL PICKUPS:

1. Large vegetation piles: (Mondays) more than 4" diameter or any excess over two (2) cubic yards - \$5.00/cubic yard.
2. Non-containerized household trash: (Thursdays) more than one (1) item or items in excess of two (2) cubic yards.
 - a. White goods (stove, refrigerator, washing machine, dryer, freezer, etc.)
\$5.00/unit;
 - b. Furniture (sofa, chair, table, mattress/box springs, etc.) \$5.00/unit
 - c. Other non-prohibited materials - \$5.00/cubic yard (or part thereof)
\$5.00 minimum charged.

3. Garbage/trash service above amount calculated on the basis of SWA waste generation data/property/year. Assigned container - \$8.52/cubic yard container (\$5.85 collection rate + \$2.67 disposal).
4. Special Pickup Charge - In addition to special pickup and other charges, there will be an additional fee of \$25.00 charged when trash and/or garbage, vegetation and/or recyclable items are placed out for collection and picked up on days not specified in the pickup schedule identified in the "Base Level of Service" Exhibit A, Section I.

ADMINISTRATIVE POLICIES:

Frequency of Billing: Owner billed on a monthly basis for special pickups.

Deposits: Prior to establishment of service, all Commercial accounts shall pay to the Town the equivalent on one months service cost. This fee shall be retained by the Town for security of payment for service. Upon termination of service such funds will be returned provided the account is paid in full at the time of termination.

Late Fees: One Percent (1%)/month on the outstanding balance beginning thirty (30) or more days following rendition of the bill.

Service Removal and Reinstatement: a service charge will be required for the removal of service and reinstatement of service for non-payment. The charges will be as follows;

- | | |
|---------------------------------------|-----------------|
| • <u>First offence</u> | <u>\$100.00</u> |
| • <u>Second offence</u> | <u>\$200.00</u> |
| • <u>Third and subsequent offence</u> | <u>\$500.00</u> |

Collection: Account subject to referral to collection agency or property lien for any bill remaining unpaid forty-five (45) days after rendition.

EXHIBIT B

COMMERCIAL PROPERTY ASSESSMENT SCHEDULE
(Base Level of Service)

COMMERCIAL CLASS
FOOT

ANNUAL ASSESSMENT/SQUARE

Low generator class	\$.012
Medium generator class	\$.045
High generator class	\$.159
Non-generator class	\$.012

AGRICULTURAL CLASS

ANNUAL RATE

0 - 10 Acres	\$40.00
11 - 99 Acres	\$4.00/acre
100 + Acres	\$400.00

I BASE LEVEL OF SERVICE

1. Collection service to be scheduled minimum, 1x/week for properties generating trash only and minimum 2x/week for properties generating garbage and trash.

COMMERCIAL DUMPSTER (COLLECTION & DISPOSAL) RATE CHART

	1X	2X	3X	4X	5X
.5CY	17.25	34.50	51.75	69.00	86.25
2CY	69.03	138.06	207.08	276.12	345.15
3CY	103.54	207.08	310.62	414.16	517.70
4CY	138.06	276.12	414.16	552.24	690.30
6CY	207.08	414.16	621.24	828.32	1,035.40
8CY	276.12	552.24	828.36	1,104.48	1,380.60

COMMERCIAL (ROLL-ON/ROLL-OFF)
\$40.00/TON (\$11.00 PER YARD)

The above schedule is applicable to regularly scheduled service up to the amount calculated on the basis of SWA waste generation data/property/year.

2. Can Service - (Garbage/trash)
Twice (2)/week - Monday and Thursday
3. Dumpster Service - Trash Only - minimum one (1)/week
Garbage/trash minimum twice (2)/week
4. Vegetation - (Bagged clippings/bulk cuttings)
Two (2) cubic yards or less - Monday
5. Bulk Trash (furniture, white goods, etc.)
One (1) item or two (2) cubic yards or less - Thursday
6. Recyclables - buckets or bins/ one (1)/week - Wednesday
Cardboard/Office Paper dumpsters - one (1)/week - Thursday

II SPECIAL PICKUPS: CUSTOMER MUST CALL FOR SPECIAL PICKUP

1. Assigned container - \$8.52/cubic yard container capacity (\$5.85 collection rate + \$2.67 disposal rate) above the regularly scheduled service amount calculated on the basis of SWA waste generation data/property/year. In addition to the \$8.52per cubic yard, there will be an additional fee of \$25.00 charged for the special pickup of the assigned container.
2. Non-containerized trash - Thursday Only
 - a. White goods (stove, refrigerator, washing machine, dryer, freezer, etc.) \$5.00/unit.
 - b. Furniture (desk, chair, table, etc.) \$5.00/unit.
 - c. Other non-prohibited materials \$8.52/cubic yard (\$5.85 collection rate and \$2.67 disposal rate) (or part thereof); \$8.52 minimum charge.
3. Large Vegetation Piles - (Mondays) more than 4" diameter or any excess over two (2) cubic yards - \$8.52/cubic yard (or part thereof); \$8.52 minimum charge.
4. Special Pickup Charge: In addition to special pickups and other charges there will be an additional fee of \$25.00 charged when trash and/or garbage, vegetation and/or recyclable items are placed out for collection and picked up on days not specified in the pickup schedule identified in the Base Level of Service" Exhibit B.

TAB 8

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No.

- ☒ PUBLIC HEARING ☐ RESOLUTION
- ☒ ORDINANCE ON FIRST READING ☐ ORDINANCE ON SECOND READING
- ☐ BID/RFP Award ☐ DISCUSSION
- ☐ GENERAL APPROVAL OF ITEM ☐ CONSENT AGENDA
- ☐ Other:

SUBJECT: Millage Ordinance No. 23-2007

RECOMMENDED MOTION/ACTION: Motion to approve millage ordinance for Fiscal Year 2007-2008.

Approved by Town Manager

W. Davis

Date:

9/7/07

Anne M. Costello

Finance Director

Name/Title

9/6/07

Date of Actual Submittal

Originating Department: Finance	Costs: \$ N/A Funding Source: Acct. #	Attachments: Ordinance No. 23-2007
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input checked="" type="checkbox"/> Finance <i>AMC</i>	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input checked="" type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required – Meeting was advertised on the TRIM notices to taxpayers.	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <i>AMC</i> : Please initial one.

Summary Explanation/Background: In accordance with chapter 200.065 F.S. the Town must approve a millage ordinance to establish the millage rate for the next fiscal year. This is required for TRIM compliance.

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: September 12, 2007

Agenda Item No.

- | | |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input checked="" type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> ORDINANCE ON SECOND READING |
| <input type="checkbox"/> BID/RFP Award | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other: | |

SUBJECT: Millage Ordinance No. 23-2007

RECOMMENDED MOTION/ACTION: Motion to approve millage ordinance for Fiscal Year 2007-2008.

Approved by Town Manager _____

Date: _____

Ann M. Costello / Finance Director
Name/Title

9/6/07
Date of Actual Submittal

Originating Department: Finance	Costs: \$ N/A Funding Source: Acct. #	Attachments: Ordinance No. 23-2007
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input checked="" type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input checked="" type="checkbox"/> Town Attorney <u>2008</u> <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required – Meeting was advertised on the TRIM notices to taxpayers.	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>P.M.C.</u> Please initial one.

Summary Explanation/Background: In accordance with chapter 200.065 F.S. the Town must approve a millage ordinance to establish the millage rate for the next fiscal year. This is required for TRIM compliance.

ORDINANCE NO. 23-2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING A MILLAGE RATE FOR THE TOWN OF LAKE PARK FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008; STATING THE ROLLED-BACK RATE FOR THE TOWN OF LAKE PARK; STATING THE PERCENT BY WHICH THE TOWN MILLAGE RATE EXCEEDS, IF ANY, THE ROLLED-BACK MILLAGE RATE; AND LEVYING FOR AD VALOREM TAXES ON ALL TAXABLE REAL AND TANGIBLE PERSONAL PROPERTY IN THE TOWN OF LAKE PARK FOR FISCAL YEAR 2007/2008; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, §2 of the Florida Constitution the Town of Lake Park has the governmental, corporate and proprietary powers to conduct municipal government; and

WHEREAS, these powers include the power to adopt millage rates to be levied by the Town of Lake Park on all taxable real and tangible personal property within the Town each fiscal year; and

WHEREAS, the Town Commission has on this date held a properly advertised public hearing pursuant to the requirements of Section 200.065, *F.S.*, to adopt a millage rate for the Town's 2007/2008 Fiscal Year; and

WHEREAS, the Town Commission has discussed "the percentage increase in millage over the rolled-back rate necessary to fund the budget, if any, and the specific purposes for which ad valorem tax revenues are being increased"; and

WHEREAS, the public has been allowed to speak and ask questions regarding the tentative millage rate prior to adoption and the Town Commission has explained the reasons for the increase over the rolled-back rate; and

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are true and correct and incorporated herein.

Section 2. In order to fund the budget of the Town of Lake Park, a millage rate is hereby adopted and levied by the Town Commission of the Town of Lake Park, pursuant to the Laws and Constitution of the State of Florida, as follows:

A. Upon first reading hereof, the proposed millage rate computed to fund the Town's tentative budget is hereby approved and adopted in the sum of 7.9284 mills. For each \$1,000.00 of assessed valuation, said millage rate will raise a tax of \$5,814,917.46.

B. Upon second reading hereof, the final millage rate computed to fund the Town's final budget is hereby approved and adopted in the sum of 7.9284 mills. For each 1,000.00 of assessed valuation, the millage rate will raise a tax of \$5,814,917.46.

Section 3. The rolled-back millage rate computed by the Town of Lake Park pursuant to the instructions furnished by the Palm Beach County Property Appraiser for the fiscal year 2007-2008 is 7.9284 mills. The percentage, if any, by which the above specified millage rate to be levied by the Town of Lake Park exceeds the rolled-back rate, are as follows:

A. The proposed millage rate exceeds the rolled-back millage rate by 0 percent. This figure is declared to be the percentage increase, if any, in property taxes for the Town of Lake Park proposed to be adopted by the Town Commission.

B. The final millage rate exceeds the rolled-back millage rate by 0 percent. This figure is declared to be the percentage increase, if any, in property taxes for the Town of Lake Park actually adopted by the Town Commission.

Section 4. In order to fund the voter approved debt service for the Town of Lake Park, a millage rate of .95 is hereby adopted by the Town Commission of the Town of Lake Park pursuant to the Laws and Constitution of the State of Florida.

Section 5. Pursuant to the millage rate aforesaid, the following amount of ad valorem taxes shall be raised and collected by the Town of Lake Park for municipal purposes and expenses for the fiscal year beginning October 1, 2007 and ending September 30, 2008, to-wit:

Under the proposed millage rate: \$ 5,814,917.46

Under the final millage rate: \$ 5,814,917.46

Section 6. Pursuant to the applicable provisions of the Constitution and Laws of the State of Florida and the Charter of the Town of Lake Park, there is hereby levied a general municipal millage rate as above stated, respectively, upon the dollar amount of the assessed valuation of all taxable real and tangible personal property in the Town of Lake Park as returned by the Palm Beach County Property Appraiser in the Town's behalf and fixed by the Town Commission as shown by the 2007 tax roll for the Town of Lake Park, allowing the homestead and all other lawful exemptions as shown therein.

Section 7. The millage hereby levied, as above stated, respectively, is hereby approved and certified by the Town Commission of the Town of Lake Park, pursuant to the laws of the State of Florida.

Section 8. The ad valorem taxes hereby levied are for the purpose of raising funds, revenues and moneys to be used, set aside and expended for the functions and purposes of the municipal government of the Town of Lake Park pursuant to the Constitution and Laws of the State of Florida and the Town Charter.

Section 9. The ad valorem taxes which are hereby levied are in excess of and above all other revenues to be received by the Town of Lake Park and are to be collected during the fiscal year beginning October 1, 2007 and ending September 30, 2008. All such ad valorem taxes so specified and levied are ordered to be extended upon the tax rolls, books and records of Palm Beach County in the proper millage in proportion to the valuation of such property as returned by the Palm Beach County Property Appraiser and fixed by the Town Commission of the Town of Lake Park.

Section 10. The Town Clerk is hereby directed to furnish a certified copy of this Ordinance upon first and second readings, respectively, to the Palm Beach County Property Appraiser, the Palm Beach County Tax Collector and the Department of Revenue of the State of Florida, as required by Law.

Section 11. This Ordinance shall take effect immediately upon adoption.

THE REST OF THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY.

TAB 9

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No.

☒ PUBLIC HEARING

☐ RESOLUTION

☒ ORDINANCE ON FIRST READING

☐ ORDINANCE ON SECOND READING

☐ BID/RFP Award

☐ DISCUSSION

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Budget Ordinance No. 24-2007

RECOMMENDED MOTION/ACTION: Motion to approve budget ordinance for Fiscal Year 2007-2008.

Approved by Town Manager

W. Davis

Date:

9/6/07

Ann M. Costello

Finance Director

Name/Title

9/6/07

Date of Actual Submittal

Originating Department: Finance	Costs: \$ N/A Funding Source: Acct. #	Attachments: Ordinance No. 24-2007
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input checked="" type="checkbox"/> Finance _____ <i>W</i>	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input checked="" type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required – Meeting was advertised on the TRIM notices to taxpayers.	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: In accordance with chapter 200.065 F.S. the Town must approve a budget ordinance to adopt the budget for the next fiscal year. This is required for TRIM compliance.

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No.

- | | |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input checked="" type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> ORDINANCE ON SECOND READING |
| <input type="checkbox"/> BID/RFP Award | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other: | |

SUBJECT: Budget Ordinance No. 24-2007

RECOMMENDED MOTION/ACTION: Motion to approve budget ordinance for Fiscal Year 2007-2008.

Approved by Town Manager _____

Date: _____

James M. Costello Finance Director
Name/Title

9/6/07
Date of Actual Submittal

Originating Department: Finance	Costs: \$ N/A Funding Source: Acct. #	Attachments: Ordinance No. 24-2007
Department Review: <input type="checkbox"/> Community Affairs <input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance	<input type="checkbox"/> Fire Dept <input type="checkbox"/> Grants <input type="checkbox"/> Human Resources <input type="checkbox"/> Library <input type="checkbox"/> Marina	<input type="checkbox"/> PBSO <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Town Attorney <i>[Signature]</i> <input type="checkbox"/> Town Clerk <input checked="" type="checkbox"/> Town Manager
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required - Meeting was advertised on the TRIM notices to taxpayers.	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____ Please initial one.

Summary Explanation/Background: In accordance with chapter 200.065 F.S. the Town must approve a budget ordinance to adopt the budget for the next fiscal year. This is required for TRIM compliance.

ORDINANCE NO. 24-2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, MAKING SEPARATE AND SEVERAL APPROPRIATIONS FOR ITS NECESSARY OPERATING EXPENSES, THE EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE TOWN FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008, AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, pursuant to Article VIII, §2 of the Florida Constitution the Town of Lake Park has the governmental, corporate and proprietary powers to conduct municipal government; and

WHEREAS, pursuant to Section 166.241, Florida Statutes, each municipality in the state of Florida is required to establish a fiscal year beginning October 1 of each year and ending September 30 of the following year shall adopt a budget each fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, that:

Section 1. As hereinafter stated in this resolution, the term "fiscal year" shall mean that period of time beginning October 1, 2007, and including September 30, 2008.

Section 2. The revenues hereinafter incorporated by reference be, and the same hereby are, appropriated to provide the monies to be used to pay the necessary operating and other expenses of the respective funds and departments of the Town of Lake Park for the above described fiscal year.

Section 3. Sums hereinafter incorporated by reference listed as operating and other expenses of the respective funds and departments of the Town be, and the same hereby are, appropriated and shall be paid out of the revenues herein appropriated for said fiscal year.

Section 4. The revenues and the expenses for which appropriations are hereby made, all set forth above, shall be as follows:

- A. As set out in the amended proposed Town of Lake Park General Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.
- B. As set out in the amended proposed Town of Lake Park Streets & Roads Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.
- C. As set out in the amended proposed Town of Lake Park Marina Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.
- D. As set out in the amended proposed Town of Lake Park Sanitation Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.

Section 5. The sums hereinbefore incorporated by reference based upon departmental estimates prepared by the Town Manager and the Finance Director, shall be, and the same hereby are, fixed and adopted as the budget for the operation of the Town of Lake Park Government and its

other enterprises for the fiscal year beginning October 1, 2007.

Section 6. The Town of Lake Park adopts the provisions of Florida Statutes 200 which provides for the expenditures of monies for the fiscal year based upon the tentative budget approved by the Town Commission of the Town of Lake Park.

Section 7. This Ordinance shall become effective.

TAB 10

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No. _____

- | | |
|---|---|
| <input checked="" type="checkbox"/> PUBLIC HEARING

<input checked="" type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> BID/RFP Award

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: _____ | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> ORDINANCE ON SECOND READING

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> CONSENT AGENDA |
|---|---|

SUBJECT: Budget Amendment Ordinance

RECOMMENDED MOTION/ACTION: Motion to approve budget amendment ordinance for Fiscal Year 2006-2007.

Approved by Town Manager _____

Date: 9/6/07

Anne M. Costello / Finance Director
 Name/Title

9/6/07
 Date of Actual Submittal

Originating Department: Finance	Costs: \$ N/A Funding Source: Acct. #	Attachments: Budget amendment ordinance
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input checked="" type="checkbox"/> Finance <u>AMC</u>	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input checked="" type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda. Yes I have notified everyone _____ OR Not applicable in this case _____: Please initial one.	

Summary Explanation/Background: This budget amendment is for encumbrances and items that need to be adjusted due to housekeeping and commission approval items. The main purpose of this amendment is for proper presentation of financial statements in the CAFR.

General Fund - 001

Revenues

Acct.	Description	Amount
311.100	Ad Valorem	185,259
311.120	Del Ad Valorem	153
321.100	O/L Appl & Renewal	5,500
322.100	Building permits	100,000
334.700	Grant State Aid	816
335.100	Alcoh Licenses	2,500
341.100	Copy Charges	1,500
347.200	Summer Camp	2,400
347.500	Facilities Rentals	3,600
361.100	Interest	30,000
363.230	Landscape Assess	26,840
363.120	Rent Cell tower	3,000
	Reserves	552,282
	Total	<u>913,850</u>

General Fund - 001

Expenditures

Dept.	Description	Amount
100	Town Commission	
	Utilities	3,000
	Promotional	10,000
104	Town Manager	
	Other	1,300
	Membership	400
105	Human Resources	
	Executive Salaries	6,000
	Retirement	5,000
	Contractual	3,000
	Advertising	18,000
106	Town Clerk	
	Utilities	3,000
	Advertising	2,000
108	Legal	
	Professional-Attorney	75,000
	Other Legal	15,000
110	Engineering	
	Hardware-media	2,000
150	Finance	
	Part-time Salaries	12,000
	Overtime	3,000
	Accounting	16,800
	Contractual Services	5,000
	Insurance	1,900
200	Police Administration	
	Utilities	2,200
	Insurance	600
400	Public Work - Administration	
	Health Insurance	5,000
	Contractual	8,000
	Utilities	7,500

Sanitation Fund - 404

Revenue

Acct.	Description	Amount
331.500	Fema	17,800
361.100	Interest	34,000
399.999	Reserves	84,550
	Total	<u>136,350</u>

Expenses

Description	Amount
Rental	10,000
Insurance	10,450
Repair and Maint	13,000
Vehicle and Supplies	45,000
Gasoline	24,000
Machinery & Equipment	33,900
Total	<u>136,350</u>

Marina Fund - 401

Revenues

Acct.	Description	Amount
347.614	Electrical	14,000
369.201	Diesel	60,000
	Due from General	232,000
	Total	<u>306,000</u>

Expenses

Description	Amount
Overtime Salaries	8,000
Contracutual	50,000
Insurance	20,000
Advertising	5,000
Utilities	60,000
Gasoline and Diesel	90,000
Operating Supplies	15,000
Improvements	24,000
Mach & Equip	8,000
Construction Cost Recovery	26,000
Total	<u>306,000</u>

ORDINANCE NO. 25-2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN BUDGET FOR FISCAL YEAR 2006-2007 AS PREVIOUSLY ADOPTED BY ORDINANCE NO. 9-2006; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Commission has previously established the budget for the Town of Lake Park for the fiscal year beginning October 1, 2006 and ending September 2007; and

WHEREAS, at the time of its adoption, the budget properly reflected expected revenues and appropriations; and

WHEREAS, to implement this budget, the Town Commission adopted and levied by Ordinance No.08-2006 a tentative and final millage rate for the fiscal year 2006-2007; and

WHEREAS, the Town Commission deems it necessary and advisable to amend the budget for the Town of Lake Park for fiscal year 2006-2007; which was adopted in Ordinance No.9-2006

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK FLORIDA:

Section 1. An amended final budget of the Town of Lake Park has been duly prepared by the Town Manager and has been reviewed by the Town Commission, upon proper notice at public hearing, and the same is hereby adopted for the fiscal year beginning October 1, 2006 and ending September 30, 2007 as follows:

An amended final budget is hereby approved and adopted in the sum of \$, a copy of which is incorporated by reference along with approved budget amendments made a part hereof and which include among others, the following items.

Amended Final Budget

Fiscal Year 2006-2007

General Fund	\$ 10,516,003
Community Redevelopment Agency Fund	\$ 295,403
Streets and Roads	\$ 567,528

Debt Service Fund	\$ 866,256
Marina Fund	\$ 1,601,304
Sanitation	\$ 1,940,184

Section 2. Pursuant to the applicable provisions of the Constitution and Laws of the State of Florida and the Charter and Code of the Town of Lake Park, the object and purpose of the appropriations provided for by this Ordinance and the amount of each function of the government of the Town is hereby fixed, made and appropriated in accordance with the terms, specification and details contained within the said budget.

Section 3. The Town Manager is hereby authorized to amend/transfer authorization between departmental accounts provided; however, that total appropriated expenditures by fund do not exceed Commission authorized amounts.

Section 4. If any section, subsection, sentence, clause, phase or portion of the Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. All ordinances, including but not limited to Ordinance No. and/or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This ordinance shall take effect immediately upon adoption.

TAB 11

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No.

☒ **PUBLIC HEARING**
☐ **Ordinance on Second Reading**
☐ **Public Hearing**

☐ **RESOLUTION**

☐ **DISCUSSION**

☒ **ORDINANCE ON FIRST READING**

☐ **BID/RFP AWARD**

☐ **GENERAL APPROVAL OF ITEM**

☐ **CONSENT AGENDA**

☐ **Other:**

SUBJECT: Ordinance amending the Town's Official Zoning Map to rezone a 14-acre parcel of land generally located at the intersection of Watertower Road and Congress Avenue from the C-4 business zoning district classification to the C-2 business zoning classification.

RECOMMENDED MOTION/ACTION: Motion to approve on first reading.

Approved by Town Manager

[Signature]

Date:

9/6/07

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Staff Report Ordinance
Department Review: <input checked="" type="checkbox"/> Town Attorney KER090507 <input type="checkbox"/> Community Affairs ____ <input checked="" type="checkbox"/> Community Development ____	<input type="checkbox"/> Finance ____ <input type="checkbox"/> Fire Dept ____ <input type="checkbox"/> Library ____ <input type="checkbox"/> PBSO ____	<input type="checkbox"/> Personnel ____ <input type="checkbox"/> Public Works ____ <input type="checkbox"/> Town Clerk ____ <input type="checkbox"/> Town Manager ____
Advertised: Date: ____ Paper: ____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone ____ or Not applicable in this case ____: Please initial one.

Summary Explanation/Background: Gentile, Holloway, as the agent for the Owner-Applicant, Congress Avenue Properties, Ltd., has submitted an application for the rezoning of a 14 acre parcel of vacant real property located at the intersection of Watertower Road and congress Avenue from the current C-4 business district zoning classification to the C-2 business district classification, in anticipation of the eventual development of the property with a Kohl's department store on a portion of the site, and office, retail and light industrial on the remaining portion. The Planning and Zoning Board has reviewed the request and has recommended that the Town Commission approve the rezoning of the property. The Bioscience Advisory Board has also reviewed the project and has no objections to the rezoning. Please see staff report for a more detailed explanation.

**Town of Lake Park
Community Development Department**



Meeting Date: September 12, 2007

From: Patrick Sullivan, AICP, Director

To: Town Commission

**Re: Congress Avenue & Watertower Road Rezoning (C-4 to C-2 Business District)
(proposed future site of a Kohl's Department Store)**

Congress Avenue Properties Limited is the fee simple owner ("Owner") of approximately 14.73 acres of vacant land ("subject property"), which is generally located at the northeast corner of Watertower Road and Congress Avenue, within the municipal boundaries of the Town of Lake Park ("Town"). The subject property's legal description is contained in **Exhibit "A"** and its general location is shown on **Exhibit "B"**, both of which are attached hereto. The subject property currently has a Future Comprehensive Land Use Designation of "Mixed Commercial/Light Industrial".

On or about July 20, 2007, the Town received a rezoning application ("Application") from Gentile Holloway O'Mahoney & Associates, Inc., as the authorized agent and applicant for **Congress Avenue Properties Limited** ("Applicant"), requesting the rezoning of the subject property from the C-4 Business Zoning District to the C-2 Business Zoning District. The Applicant proposes to develop a portion of the property with an approximate 98,165 square foot Kohl's retail department store, and develop the remainder of the property with either retail, office, or light industrial uses.

Town staff reviewed the Application, and determined that the proposed rezoning of the subject property is consistent with the Town's Code of Ordinances, and its Future Land Use Designation under the Town's Comprehensive Plan, and has recommended approval of the proposed rezoning. The Lake Park Planning and Zoning Board reviewed the subject Application at their August 6, 2007 meeting, and recommended that the Town Commission approve the Application and rezone the subject property. In addition, on August 30, 2007, the Scripps Bioscience Advisory Board adopted a resolution indicating that they have no objections to the proposed rezoning of the subject property.

All of the surrounding properties also have Future Land Use Designations of "Mixed Commercial/Light Industrial". The property to the north has been developed with a Target store and is zoned "PUD/C-1". The property to the east has been developed with an office

warehouse (light industrial) and is zoned "C-4/CLIC. The property to the south is vacant but is zoned C-4. The property to the west is developed with a Lowe's store, and Venetian Isles is zoned C-2/Mixed Use TND.

Policy 1.4.b. of the Town's Comprehensive Plan states that the intended development for this general area is a mix of commercial and light industrial uses. A large portion of the Congress Avenue Corridor has been developed under new C-2 and C-4 zoning regulations. Existing commercial retail uses in this area include Lowe's and a Walmart. Both of these retailers were rezoned from the C-4 zoning district to the C-2 zoning district to add flexibility in uses and permit retail uses which are not permitted in the C-4 District.

In 2006, the property and surrounding parcels were identified as having potential to become part of the Scripps Bio-Science Overlay. At that time, it was noted that while properties in the area might be available for bioscience uses, a portion of the land in this area could be developed with retail uses to allow for diversity in use and to add economic value to the Town's tax base. Town staff does not anticipate that this rezoning will detract from the economic development cluster, because 40 contiguous acres remain available for bioscience industrial applications.

Policy 1.8 of the Town's Comprehensive Plan states that new development shall be permitted only when central water and wastewater systems are available or will be provided concurrent with the impacts of development. The proposed rezoning will not deviate from this requirement. The property is currently part of a larger water management tract that flows south under Watertower Road then west under Congress Avenue, and eventually outfalls in the C-17 Canal. The 2003 Master Plan, along with the existing improvements to Congress Avenue, established this drainage system. Water and sewer is available to the property via existing connections located along Congress Avenue.

The proposed rezoning requires two advertised public hearings and notice of the rezoning ordinance to be published in a newspaper of general paid circulation in the Town and of general readership in the Town, in notice in the form prescribed by the notice requirements of Section 163.041, Fla. Stat. (2007). Notice of the proposed rezoning Ordinance, including a map indicating the area covered by the proposed rezoning ordinance, has been published in the Palm Beach Post on July 25, 2007. The second public hearing will be advertised no later than September 16, 2007. The proposed rezoning has been properly advertised in accordance with rezoning laws of the State of Florida.

Town staff recommends that the Town Commission **APPROVE** the rezoning from the C-4 Business District to the C-2 Business District. The rezoning is consistent with the Town's Comprehensive Plan, Land Development Regulations, and the Town's expressed development intent for the area. The rezoning is consistent with the development pattern along Congress Avenue, and the rezoning to the C-2 Business District will allow a greater variety of complimentary uses and will promote the expansion of the Town's tax base.

ORDINANCE NO. 26-2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF LAKE PARK, FLORIDA REZONING APPROXIMATELY A 14.73 ACRE PARCEL OF LAND OWNED BY CONGRESS AVENUE PROPERTIES LIMITED, AND GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF WATER TOWER ROAD AND CONGRESS AVENUE WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF LAKE PARK, AS DEPICTED ON THE LOCATION MAP ATTACHED HERETO (EXHIBIT "B"), AND AS IS MORE PARTICULARLY DESCRIBED HEREIN AND ON EXHIBIT "A" ATTACHED HERETO, FROM A ZONING DESIGNATION OF C-4 BUSINESS DISTRICT TO C-2 BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Congress Avenue Properties Limited, a Florida corporation, is the fee simple owner ("Owner") of approximately 14.73 acres of vacant land ("subject property") which is generally located at the northeast corner of Watertower Road and Congress Avenue, within the municipal boundaries of the Town of Lake Park ("Town"); and

WHEREAS, the subject property's legal description is contained in Exhibit "A" and its general location as shown in **Exhibit "B"**, both of which are attached hereto and incorporated herein; and

WHEREAS, the subject property currently has a Future Comprehensive Land Use Designation of "Mixed Commercial/Light Industrial"; and

WHEREAS, Gentile, Holloway, O'Mahoney & Associates, Inc., as the authorized agent for the owner, Congress Avenue Properties Ltd ("Applicant"), has submitted an application to the Town for the rezoning of the subject property, from the C-

4 Business Zoning District classification to the C-2 Business Zoning District classification, in contemplation of the future development of the property with a Kohl's retail department store to consist of approximately 98,165 square feet on one portion of the property, with either retail, office, or light industrial uses to be developed on the remaining acreage of the subject property; and

WHEREAS, the Town staff reviewed the Application and determined that the proposed rezoning of the subject property is consistent with the Town's Code of Ordinances and its Future Land Use Designation under the Town's Comprehensive Plan and has recommended approval of the proposed rezoning; and

WHEREAS, the Lake Park Planning and Zoning Board reviewed the subject Rezoning Application at their meeting of August 6, 2007, and recommended that the Town Commission approve the Application for the subject property; and

WHEREAS, in addition, on August 30, 2007 the Bioscience Advisory Board adopted a Resolution indicating that this Board has no objections to the proposed rezoning of the subject property; and

WHEREAS, at its duly held quasi-judicial public hearings, the Town Commission considered the proposed rezoning, and received evidence and testimony presented by Town staff, the Planning and Zoning Board, the Applicant, the Applicant's agents and representatives, members of the public, and other interested parties regarding the Application's consistency with the Town's Comprehensive Plan and Land Development Regulations; and

WHEREAS, the Town Commission has determined that the rezoning of the subject property and adoption of this Ordinance is consistent with the Town's Comprehensive Plan and Land Development Regulations, and is in the best interest of the citizens and residents of the Town of Lake Park, Florida.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION
OF THE TOWN OF LAKE PARK, FLORIDA:**

Section 1. The foregoing recitals are hereby incorporated herein as true and correct findings of fact of the Town Commission, and serve as a basis for the adoption of this Ordinance.

Section 2. The Town Commission hereby rezones the subject property from C-4 Business Zoning District (C-4) to C-2 Business Zoning District (C-2).

Section 3. The Town's Official Zoning Map is hereby amended to reflect the assignment of the C-2 Business District zoning classification to the subject property.

Section 4. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 5. All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 6. This Ordinance shall take effect immediately upon passage.

Attachments: Exhibit "A" Legal description of subject property

Exhibit "B" Location map

EXHIBIT A

LEGAL DESCRIPTION

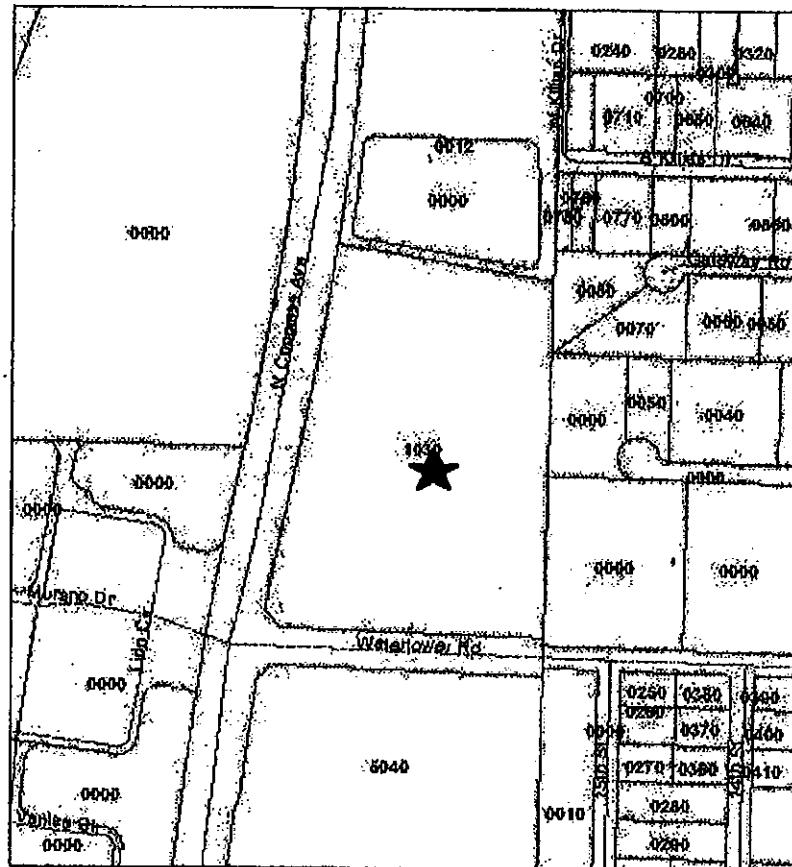
PARCEL 34.03 C (SOUTHERLY PORTION)
O.R.B. 12416 PAGE 162

A PARCEL OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER (NE ¼) OF SECTION 19 TOWNSHIP 24 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDED ON THE NORTH BY THE SOUTH LINE OF NORHTLAKE SQUARE EAST, AS RECORDED IN PLAT BOOK 109, PAGE 198, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BOUNDED ON THE EAST LINE OF THE NORHTEAST ONE-QUARTER (NE1/4) OF SAID SECTION 19; BOUNDED ON THE SOUTH BY THE NORTH RIGHT OF WAY LINE FOR WATER TOWER ROAD AS RECORDED IN OFFICAL RECORDS BOOK 10739, PAGE 6, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BOUNDED ON THE WEST BY THE EAST RIGHT OF WAY LINE FOR CONGRESS AVENUE AS RECORDED IN OFFICAL RECORDS BOOK 10739, PAGE 6, PUBLIC RECORDS OF PALM BEACH COUNTY, FLROIDA.

EXHIBIT B

General Location Map



TAB 12

Town of Lake Park Town Commission Agenda Request Form

Meeting Date: Sept 12, 2007

Agenda Item No. _____

- ☐ PUBLIC HEARING
☒ Ordinance on Second Reading
☐ Public Hearing

- ☐ RESOLUTION
☐ DISCUSSION

☐ ORDINANCE ON FIRST READING

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other: _____

SUBJECT: An Ordinance amending Town Code Sections 9-71 and 9-72 to provide for implementation of a citation process as an additional code enforcement method and the establishment a fine schedule by resolution.

RECOMMENDED MOTION/ACTION: Motion to approve on first reading.

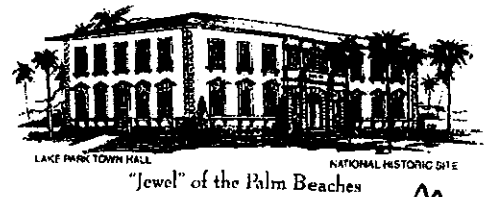
Approved by Town Manager He. Davis

Date: 8/13/07

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Staff Report Ordinance
Department Review: <input checked="" type="checkbox"/> Town Attorney KER080907 <input type="checkbox"/> Community Affairs <input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Finance <input type="checkbox"/> Fire Dept <input type="checkbox"/> Library <input type="checkbox"/> PBSO	<input type="checkbox"/> Personnel <input type="checkbox"/> Public Works <input type="checkbox"/> Town Clerk <input type="checkbox"/> Town Manager
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____ Please initial one.

Summary Explanation/Background: Town staff is recommending that the Town Commission implement the use of citations as an additional means of enforcing the Town's Code of Ordinances. There are a variety of Code violations that occur on a one-time basis and are difficult to prosecute and enforce because of the very nature of the violation. Examples of violations which are difficult to enforce using the traditional Notice of Violation/Notice of Hearing method are illegally parked vehicles, non-franchised garbage roll offs, noise violations, animals running loose, graffiti, litter law violations, and other similar violations which are capable of repetition yet never get heard by either the Special Magistrate or Code Compliance Board. The use of citations will allow the Town to target repeat offenders of various Code Sections who evade prosecution because the violation is corrected just before the compliance date, but is repeated over and over again leaving the Town without recourse or even the imposition of a fine.

**Town of Lake Park
Community Development Department**



Meeting Date: August 22, 2007
Memo Date: August 10, 2007

Patrick Sullivan, AICP, Director

To: Town Commission

Re: Implementation of Code Citation process

Town staff is recommending that the Town Commission implement the use of citations as an additional means of enforcing the Town's Code of Ordinances. There are a variety of Code violations that occur on a one-time basis and are difficult to prosecute and enforce because of the very nature of the violation. Examples of violations which are difficult to enforce using the traditional Notice of Violation/Notice of Hearing method are illegally parked vehicles, non-franchised garbage roll offs, noise violations, animals running loose, graffiti, litter law violations, and other similar violations which are capable of repetition yet never get heard by either the Special Magistrate or Code Compliance Board. The use of citations will allow the Town to target repeat offenders of various Code Sections who evade prosecution because the violation is corrected just before the compliance date, but is repeated over and over again leaving the Town without recourse or even the imposition of a fine. The use of citations have proven to be effective and will reduce the amount of staff time typically spent in the issuance of the traditional Notice of Violation/Notice of Hearing.

The use of citations as an additional enforcement tool is authorized by Chapter 162, Fla. Stat., and the current Town Code, however the procedure has never been implemented. Revisions to the Code are necessary to update the procedures for the issuance of citations. Town staff is also recommending that the fine schedule in the Code be repealed and be readopted by Resolution to allow more flexibility in updating the fine schedule.

Town staff has prepared a Resolution approving the fine schedule, a new fine schedule, and a form of citation, all of which are attached hereto as composite **Exhibit "A"**. The fine schedule shall also appear on the reverse side of the citation. The citation will be issued by the Town's Code Compliance Officers, PBSO deputies and certified citizens'

patrol officers. If the violator pays the fine within the time specified and does not contest the citation, no hearing will be required. If however, the violator elects to contest the citation, the violator will be scheduled to appear at a hearing before the Special Magistrate.

Town staff is recommending that the Town Commission approve the amendments to the Town Code updating the citation procedure through adoption of the Ordinance attached hereto as **Exhibit "B"**, and after second reading of that Ordinance, that the Town Commission approve the form of the citation and the fine schedule by Resolution.

Code Citation Fine Comparison

Code Section	Violations	Propoosed Fine	Current Fine
10-31	Prohibited parking on sidewalk	\$100	\$25
10-31	Nuisance (general)	\$100	\$50
10 -154	Noise disturbance	\$250	\$50
16 -3	Unlawful trespass on public land	\$125	\$50
18 -61	Domestic animals prohibited in public park	\$50	\$50
18 -85	Violation of permit terms for use of park	\$50	\$50
18 -121	No permit for special event	\$250	\$50
20 -32	No permit for garage sale	\$50	\$50
24 -6	Illegal roll-off (residential)	\$250	Notice of Violation
24 -7	Illegal roll-off (commercial)	\$250	Notice of Violation
24 -8	Illegal dumping / littering	\$250	\$50
24 -78	Overloaded sanitation container	\$50	\$50
30 -2	Prohibited parking	\$100	\$25
30 -2	Prohibited parking in roadway	\$125	\$25
30 -33	Commercial loading and unloading	\$250	\$25
30 -35	Parking commercial vehicle in residential are	\$125	Notice of Violation
34 -6	Hatracking; tree topping	\$250	\$250
34 -64	Illegal watering 1 st offense	\$75	\$75
34 -64	Illegal watering 2 nd or more offense	\$250	\$250
70 -32	Sign code violation	\$125	\$125

Those items above noted "notice of violation" ususally yield \$0 in fines as the violation is complied with before it can ever get to a hearing.

ORDINANCE NO. 20-2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 9, ARTICLE III, OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, FLORIDA BY AMENDING SECTION 9-71 ENTITLED "ENFORCEMENT PROCEDURES AND STANDARDS"; AND REPEALING SECTION 9-72 ENTITLED "NOTICE TO APPEAR"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted general provisions pertaining to code enforcement, and an alternative code enforcement procedure using citations, which have been codified in Article III of Chapter 9 entitled "Alternate Code Enforcement" of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, the Town Commission desires to commence using citations as an additional means to enforce certain provisions of the Town Code which are Code violations that are often a one-time occurrence and which do not require any additional time to be given to the violator for compliance, such as parking violations, violations of water restrictions, illegal dumpsters, illegal dumping, dogs running loose (leash law), noise violations, littering, and other similar violations; and

WHEREAS, it is the intent of the Town Commission that citations be used by the Town's code compliance officers to enforce such provisions of the Town Code in lieu of the traditional

Notice of Violation and Notice of Hearing which is a labor intensive and costly method of code enforcement; and

WHEREAS, currently the Town Code, in Chapter 9, Article III, Section 9-71 authorizes the use of citations, and contains a schedule of violations and penalties for violations of specified provisions of the Town Code, but the use of citations has never been implemented; and

WHEREAS, in addition, the schedule of violations and penalties in Code Section 9-71 is not currently being used, is outdated, and an updated schedule of violations and penalties for citation use is more appropriately contained in a resolution; and

WHEREAS, Town staff has prepared such a Resolution containing a more appropriate schedule of violations and penalties, and has also created a form of citation to be used in enforcing the violations set forth in the Resolution; and

WHEREAS, Town staff is recommending that the form of the citation and the Resolution with the new schedule of violations and penalties be adopted upon second reading of this Ordinance; and

WHEREAS, Town staff has recommended that the Town Commission delete the fine provisions set forth Code Section 9-71, and to instead adopt the schedule of violations and fines by resolution of the Town Commission; and

WHEREAS, Town staff has also recommended repealing Code Section 9-72 which contains an antiquated "notice to appear" procedure that is not and has never been used by the Town; and

WHEREAS, upon the adoption of this Ordinance and the Resolution containing a new schedule of violations and penalties, the Town will begin the implementation of the use of citations as an additional means of enforcing the Town's Code of Ordinances.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE
TOWN OF LAKE PARK, FLORIDA:**

Section 1. The whereas clauses are incorporated herein as true and correct and as the findings of the Town Commission.

Section 2. Chapter 9, Article III, Section 9-71 of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended to read as follows, and Section 9-72 of the Code of Ordinances of the Town of Lake Park, Florida is hereby repealed as follows:

ARTICLE III. ALTERNATE CODE ENFORCEMENT

Sec. 9-71. Enforcement procedures and standards.

(a) Issuance of citations. ~~A code compliance officer is an employee of the town who is duly authorized by the town manager and responsible for the enforcement of this Code. A code compliance officer, Palm Beach County Sheriff's Office deputies, and certified citizen's patrol officers, may issue a citation to a person when, based on personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance, and that the town's special magistrate county court will hold a hearing on the violation if the citation is either contested or if the fine is not paid within the time specified in the citation. charge.~~

~~(b) Notice. Prior to issuing a citation, a code compliance officer shall provide notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 days. If, upon personal investigation, a code compliance officer finds that the person has not corrected the violation within the time period, the code compliance officer may issue a citation to the person who has committed the violation. If the code compliance officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible, or if a repeat violation is found, the code compliance officer is not obligated to provide the person with a reasonable time period within which to correct the violation prior to the issuance of the citation.~~

~~(b) (e) Form and contents of citation. The citation issued by the code compliance officer shall be in a form prescribed by the town, and shall contain among other things, the following:~~

- ~~(1) The date and time of issuance.~~
- ~~(2) The name and address of the person to whom this citation is issued.~~
- ~~(3) The date and time the civil infraction was committed.~~
- ~~(4) The facts constituting reasonable cause.~~
- ~~(5) The number of section of the code or ordinance violated.~~
- ~~(6) The name and authority of the code compliance officer.~~
- ~~(7) The procedure for the person to follow in order to pay the civil penalty or contest the citation.~~
- ~~(8) The applicable civil penalty if the person elects to contest the citation.~~

(9) The applicable civil penalty if the person elects not to contest the citation.

(10) A conspicuous statement if the person fails to pay the civil penalty within the time allowed or fails to appear before the town's special magistrate or code enforcement board ~~in court~~ to contest the citation, the person shall be deemed to have waived such person's right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(c) ~~(d)~~ Disposition by the special magistrate ~~county court~~. After issuing a citation to an alleged violator, a code compliance officer shall provide ~~deposit~~ the original citation and one copy of the citation ~~to with the town's code enforcement division~~ county court for further processing. ~~disposition.~~

~~(d)~~ (e) Sections of code which may ~~to~~ be enforced by citation. Certain code sections and ordinances lend themselves to be enforced by means of a citation method and as such, the town commission ~~has~~ established by resolution, a schedule of code sections to be enforced by citation and a schedule of penalties for the violation of the respective code sections, which resolution and schedule of violations and penalties may be amended from time to time at the pleasure of the town commission. ~~and the town has deemed the following sections of the Code as those to be enforced through the citation method and has provided a schedule of violations and penalties to be assessed as follows:~~

~~Fine amount~~

~~Class I offense . . . \$50.00~~

~~Section 10-154, Noise disturbance.~~

~~Section 10-156, Noise sensitive zones.~~

~~Section 10-157, Noise violations.~~

~~Section 16-3, Unlawful to trespass or lodge on public lands.~~

~~Section 18-61, Domesticated animals prohibited in parks.~~

~~Section 18-63, Hours of operation for town parks.~~

~~Section 18-65, Restricted vehicular traffic in town parks (marina excluded).~~

~~Section 18-85, Conditions of issuance.~~

~~Section 20-32, Permit required (garage sales).~~

~~Section 22-31, Prohibition--Charitable solicitations.~~

~~Section 24-39, Placement of refuse container, and yard trash.~~

~~Section 24-78(a), Overloading refuse containers.~~

~~Section 34-64, Irrigation restrictions.~~

~~Section 70-103(i), Temporary political signs pertaining to specific elections.~~

~~Section 78-152, Motor vehicle/boat repairs prohibited.~~

~~Section 78-254, Grass area on improved lot.~~

~~Fine amount~~

~~Class II offense . . . \$75.00~~

~~Section 70-32, Sign, no permit.~~

~~Fine amount~~

~~Class III offense . . . \$125.00~~

~~Section 68-3, Outdoor storage residential.~~

~~Section 68-5, Outdoor storage commercial.~~

~~Section 70-102, Prohibited sign.~~

~~Section 78-254, Grass area on unimproved lot.~~

~~Fine amount~~

Class IV offense . . . \$250.00

~~Section 10-101, Junked/abandoned vehicle on public property.~~

~~Section 10-121, Junked/abandoned vehicle on private property.~~

~~Section 24-143, Mandatory disposal of garbage, trash and recyclables.~~

~~Section 28-33, No local business tax receipt: The statutory penalty, pursuant to F.S. § 205.053, as amended, plus a fine of up to \$250.00.~~

~~Upon receipt of a citation, the person alleged to have violated the town Code may request a hearing before the town's special magistrate ~~a court appearance~~. The special magistrate ~~county court judge~~ may assess a maximum civil penalty not to exceed \$500.00, plus the town's administrative costs if the violation is contested. ~~If the citation is not contested, the amount of fine is the face value of the citation plus costs.~~~~

~~(e) (f) Code violations; civil infraction. All violations of this code shall be considered as civil infractions with a maximum civil penalty not to exceed \$500.00.~~

~~(f) (g) Citation contested; special magistrate ~~county court~~. Should any person receiving a citation desire to contest the citation ~~same~~, the such person who is issued the citation shall have the right to appear before the town's special magistrate ~~in county court in order to present their such person's case and have the case decided~~ ~~determined disposition made by the town's special magistrate~~ ~~court~~.~~

~~(g) (h) Failure to accept citation; misdemeanor. Any person who willfully refuses to sign and accept a citation issued by a code compliance officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or F.S. § 775.083.~~

~~(h) (i) Provisions additional and supplemental. The provisions of this section are additional and supplemental means of enforcing the code sections referred to in subsection (d) (e) of this section. Nothing contained in this section shall prohibit the town from enforcing its codes or ordinances by other means.~~

~~Sec. 9-72. Notice to appear:~~

~~(a) Generally. Notwithstanding F.S. § 34.07, a code compliance officer, designated pursuant to section 9-71(a) and (b), may issue a notice to appear at any hearing conducted by a county court if the officer, based upon personal investigation, has reasonable cause to believe that the person has violated a code or ordinance. A notice to appear means a written order issued by a code compliance officer in lieu of physical arrest requiring a person accused of violating the law to appear in a designated court or governmental office at a specified date and time. If a person issued a notice to appear under this section refuses to sign such notice, the code compliance officer has no authority to arrest such person.~~

~~(b) Time period to correct violation. Prior to issuing a notice to appear, a code compliance officer shall provide written notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no fewer than five days and no more than 30 days. If, upon personal investigation, a code compliance officer finds that the person has not corrected the violation within the prescribed time period, a code compliance officer may issue a notice to appear to the person who has committed the violation. A code compliance officer is not required to provide the person with a reasonable time period to correct the violation prior to issuing a notice to appear and may immediately issue a notice to appear if a repeat violation is found, or if the code compliance officer has reason to believe that the violation presents a serious threat to the public health, safety or welfare, that the violation is engaged in violations of an itinerant or transient nature, as defined by~~

~~local code of ordinances within jurisdiction, or if the violation is irreparable or irreversible.~~

Section 3. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. **Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. **Codification.** The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 6. **Effective Date.** This Ordinance shall take effect immediately upon adoption.

TOWN OF LAKE PARK, FLORIDA
CITATION NUMBER _____

DAY OF WEEK	MONTH	DAY	YEAR	TIME	AM
FIRST NAME (Print)	MIDDLE	LAST NAME (VIOLATOR)			
STREET ADDRESS					
CITY	STATE			ZIP CODE	
TEL. NO.	DATE OF BIRTH	RACE	SEX	HGT	
VEHICLE TAG NO OR VEHICLE ID NO.		MAKE/MODEL:		COLOR	
LOCATION OF VIOLATION: (If different from above)					
CODE SECTION VIOLATED:					
DESCRIPTION:					
<input type="checkbox"/> REPEAT VIOLATION: \$500.00					
<p>This Citation is issued pursuant to Chap. 162 F.S., Chap. 316, F.S., Chap. 9, Sec. 9-17. The violation(s) charged is a civil infraction with a maximum civil penalty of up to \$250.00 per violation per day and up to \$500.00 per day for a repeat violation, plus administrative costs. You may avoid having to appear at a quasi-judicial hearing before the Town's Special Magistrate on the violations charged herein by paying the civil penalty in the amount of \$_____ by either cash or a check made payable to the "Town of Lake Park" within ten (10) days of the date of this Citation. Payments may be mailed or hand delivered to the Town of Lake Park, Finance Department, 535 Park Avenue, Lake Park, FL 33403. DO NOT MAIL CASH.</p> <p>In the event you fail to pay the penalty and/or wish to contest the Citation, you are hereby commanded and summoned to appear before the Special Magistrate for a hearing on the violation(s) on _____, 200_ at 10:00 a.m. in the Town Commission Chambers at Town Hall, located at 535 Park Avenue, Lake Park, Florida 33403.</p> <p>IF YOU FAIL TO EITHER PAY THE FINE IN THE AMOUNT STATED ON THIS CITATION, OR YOU FAIL TO APPEAR AT THE HEARING TO CONTEST THE CITATION, YOU SHALL BE DEEMED TO HAVE WAIVED YOUR RIGHT TO CONTEST THE CITATION, AND A FINAL JUDGMENT MAY BE ENTERED AGAINST YOU FOR AN AMOUNT UP TO THE MAXIMUM CIVIL PENALTY, TOGETHER WITH ADMINISTRATIVE COSTS. Any person who willfully refuses to sign and accept a Citation issued by a Code Enforcement Officer shall be guilty of a misdemeanor of the second degree, punishable as provided in Sec. 775.082 F.S. or Sec. 775.083 F.S. (60 days in jail or \$500.00 or both).</p>					
SIGNATURE OF VIOLATOR			PRINTED NAME OF VIOLATOR		
SIGNATURE OF CODE ENFORCEMENT OFFICER					

VIOLATION DESCRIPTION

CODE SECTION	COMMON VIOLATIONS	FINE
10-31	Prohibited parking on sidewalk	100.00
10-31	Nuisance (general)	100.00
10-154	Noise disturbance	250.00
16-3	Unlawful trespass on public land	125.00
18-61	Domestic animals prohibited in public park	50.00
18-85	Violation of permit terms for use of park	50.00
18-121	No permit for special event	250.00
20-32	No permit for garage sale	50.00
24-6	Illegal roll-off (residential)	250.00
24-7	Illegal roll-off (commercial)	250.00
24-8	Illegal dumping / littering	250.00
24-78	Overload sanitation container	50.00
30-2	Prohibited parking	100.00
30-2	Prohibited parking in roadway	125.00
30-33	Commercial loading and unloading	250.00
30-35	Parking commercial vehicle in residential area	125.00
34-6	Hatracking; tree topping	250.00
34-64	Illegal watering 1st offense	75.00
34-64	Illegal watering 2nd or more offense	250.00
70-32	Sign code violation	125.00

TAB 13

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: Sept 12, 2007

Agenda Item No. _____

- ☐ PUBLIC HEARING
☒ Ordinance on Second Reading
☐ Public Hearing

- ☐ RESOLUTION
☐ DISCUSSION

☐ **ORDINANCE ON FIRST READING**

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other: _____

SUBJECT: Amendments to Section 54 of the Code of Ordinances to correct time periods, miscellaneous and clerical errors.

RECOMMENDED MOTION/ACTION: Motion to approve on first reading.

Approved by Town Manager

[Signature]

Date:

8/15/07

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Ordinance
Department Review: <input checked="" type="checkbox"/> Town Attorney KER 081307 <input type="checkbox"/> Community Affairs <input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Finance <input type="checkbox"/> Fire Dept <input type="checkbox"/> Library <input type="checkbox"/> PBSO	<input type="checkbox"/> Personnel <input type="checkbox"/> Public Works <input type="checkbox"/> Town Clerk <input type="checkbox"/> Town Manager
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____ Please initial one.

Summary Explanation/Background: Abating overgrown lawns and other unsightly nuisances should be effected within a very short time period. The process that was recently put into effect required 30 days notification prior to the Town being able to take action and abate the nuisance. In a recent attempt to abate an overgrown lawn nuisance it was realized that the 30 day notification for this type of nuisance was too long. This amendment to Section 54 eliminates the 30 day notification requirement and leaves it up to the judgment of the Community Development Department to set a reasonable notification time based on the individual circumstances of the violation.

ORDINANCE NO. 21-2007

A ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 54, SECTION 54-81 ENTITLED "PROPERTY MAINTENANCE STANDARDS, GENERALLY"; SECTION 54-82 ENTITLED "BOARDED UP BUILDINGS, HURRICANE SHUTTER REMOVAL REQUIRED"; SECTION 54-131 ENTITLED "NUISANCE DECLARED"; SECTION 54-132 ENTITLED "NUISANCE TO BE ABATED"; AMENDING SECTION 54-133 ENTITLED "PROCEDURE FOR ABATEMENT OF NUISANCE"; SECTION 54-134 ENTITLED "APPEAL PROCEDURE"; PROVIDING FOR SEVERABILITY, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, §2(b) of the Constitution of the State of Florida and Chapter 166, Florida Statutes, the Town of Lake Park, Florida (the "Town") has the governmental and corporate powers of a duly constituted municipality; and

WHEREAS, the Town Commission has previously adopted provisions pertaining to property maintenance and nuisance abatement which have been codified in Chapter 54, Sections 54-81, 54-82, 54-131, 54-132, 54-133 and 54-134; and

WHEREAS, subsequent to the adoption of these provisions, it has become apparent that minor revisions need to be made to various portions of these Code Sections in order to provide the Town with more flexibility in property maintenance and abating certain nuisances in an expedient manner; and

WHEREAS, Town staff has recommended that the Town Commission amend Code Sections 54-81, 54-82, 54-131, 54-132, 54-133, and 54-134, as provided herein; and

WHEREAS, the Town Commission, after due notice and public hearings, deems it to be in the interest of the public health, safety and general welfare to amend Chapter 54, Sections 54-81, 54-82, 54-131, 54-132, 54-133, and 54-134, pertaining to property maintenance and nuisance abatement as recommended by Town staff.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The foregoing recitals are adopted herein as true and correct findings of fact and conclusions of law of the Town Commission.

Section 2. Chapter 54, Article III, Sections 54-81, 54-82, 54-131, 54-132, 54-133, and 54-134 are hereby amended to read as follows:

Sec. 54-81. Property maintenance standards. general.

(a) Applicability. These regulations shall apply to all private property, including all buildings and structures within the town.

(b) General regulations.

(1) All buildings and structures, both existing and new, and all parts thereof, shall be maintained in good repair and kept in a sound, safe and sanitary condition. All devices or safeguards which are required by this article in a building when erected, altered, or repaired shall be maintained in good working order. The owner, or the owner's designated agent, and the tenant shall be responsible for the maintenance of buildings, structures and premises. The exterior of all buildings or structures shall be kept free from stains, mold, mildew, peeling paint, discoloration, graffiti, and general disrepair. Buildings or structures shall have no missing windows, doors, or railings .

(2) All driveways, sidewalks, and parking areas shall be maintained reasonably free of discoloration or deterioration, including potholes.

(3) Fences and walls shall be maintained structurally sound (such as vertically plumb).

Fences and walls shall be maintained in their original condition (such as reasonably free of discoloration, staining, or peeling).

(4) Hedges shall be trimmed and maintained in a healthy and neat condition; and shall not extend onto or over public or adjoining private properties or road rights-of-ways.

(c) Maintenance of construction sites. All construction sites shall be maintained in a clean and orderly condition during the entire construction process. Only town approved dumpster(s)/enclosure(s) shall be located on site throughout the construction process. The dumpster(s)/enclosure(s) shall be emptied when full, or if it emits noxious odors, or is attracting vermin or insects. All construction debris, materials, equipment, trailers, and other property, used directly or indirectly in connection with the construction activities, shall be physically contained within the boundaries of the construction site. Dumpster(s)/enclosure(s) may be required for additions or remodeling of single-family dwellings if deemed necessary by the Community Development Director.

Sec. 54-83. Boarded up buildings, hurricane shutter removal required.

(3) If real property in any zoning district is secured for more than thirty (30) days, except in the case of a natural disaster, the boards, panels or other means of securing structural openings shall be painted to match the exterior color of the building and shall be cut and placed so as to fit within form to the opening being secured.

(5) Any device (including wood or approved hurricane shutters) used for the securing of a property during a declared hurricane or tropical storm shall be removed no later than twenty-eight fourteen (28) days after the lifting of any hurricane or tropical storm warning or watch unless:

- (a) A hurricane or tropical storm watch occurs during the ~~twenty-eight~~ fourteen (28) day period, at which point the ~~twenty-eight~~ fourteen (28) day period begins anew after the hurricane or tropical storm conditions have subsided; or
 - (b) The structure is used for residential purposes, but no person is in residence and the structure is secured by manufactured storm shutters.
- (6) In no case shall plywood sheets be used for the boarding of occupied residences beyond the times set out in subsections (4) and (5) above.

Sec. 54-131. Nuisance declared.

It is hereby declared and determined by the town commission, that the following shall each individually, or in any combination, be considered nuisances when they exist upon a lot in the ~~unincorporated area of the town~~:

- (3) Uncultivated vegetation greater when:
 - a. Greater than twelve (12) inches in height located on nonresidential vacant lots; or
 - b. Greater than ~~eight~~ seven (8) inches in height when located on developed or undeveloped residential or developed nonresidential lots.

Sec. 54-132. Nuisance to be abated.

~~It is further determined by the town commission, that~~ Any nuisance declared by this section, which is found, on any property within the town ~~a lot in the unincorporated area of the town~~ shall be abated in the following manner:

- (1) If the nuisance consists solely of accumulations of waste, yard trash, or rubble and debris as provided in subsections 54-131(1) and (2), it shall be abated in its entirety, provided that the nuisance exists ~~lies~~ upon a lot which is adjacent to a property which is developed ~~and used~~ or has been used for residential, commercial or industrial purposes; or
- (2) If the nuisance consists solely of uncultivated vegetation as provided in subsections 54-131(3), (4) and (5), and the parcel is less than one and one-half (1 1/2) acres in size, the nuisance shall be abated in its entirety. If the parcel is greater than one and one-half (1 1/2) acres in size, the nuisance shall be abated on the portion one hundred twenty-five (25) feet of the boundary of any adjacent property, which is developed and used or has been used for residential, commercial or industrial purposes.
- (3) In cases involving areas declared by the town commission as blighted, pursuant to state statutes, or in any cases which there is evidence of vagrants using the overgrown property for habitation, or that crimes of a violent nature, or crimes involving the sale or possession of illegal substances are occurring on the premises, then the nuisance may be abated in its entirety, regardless of lot size, ~~provided that the nuisance lies upon a lot which is adjacent to property which is developed.~~ The evidence of such activities required must be documented by the town code compliance division or other appropriate law enforcement agency. ~~For purposes of this section only, rights-of-way shall be considered adjacent, developed property.~~ The In abating such nuisances, property owners owner and the town are encouraged to preserve, and need not clear, trees and *Serenoa repens* (commonly known as Saw Palmetto); ~~and provided further that the Property owners and the town are encouraged to clear~~ *Melaleuca quinquenervia* (commonly

known as Punk Tree, Cajepu, or Paper Bark Tree), *Casurina Spp.* (commonly known as Australian Pine); *Acacia Ariculaeformis* (commonly known as Earleaf Acacia); and ~~provided further that the property owners and the town shall be required to clear~~ *Schinus terebinthifolius* (commonly known as Brazilian Pepper).

(4) If the nuisance consists of the obstruction of adequate view of intersections, crossings, or traffic signs, the nuisance shall be abated in accordance with the safe sight distance triangles provisions of the Code or other applicable regulations, and when not provided by law or ordinance in that section, the nuisances shall be abated so as to afford a clear, unobstructed view.

(5) If the nuisance consists of dead trees, only those standing dead trees located in an area that, if they fell, would likely cause damage to adjacent developed lots, sidewalks, or rights-of-way, need be removed.

(6) If the nuisance consists in part of uncultivated vegetation and in part of other nuisances declared by this article, the provisions of subsections (1), (2) and (3) shall each apply to its abatement.

Sec. 54-133. Procedure for abatement of a nuisance.

(a) Authorized agents, employees and independent contractors of the The community development department are is empowered to enter upon and inspect lots on which a nuisance is suspected to exist. Any code compliance officer or Palm Beach County Sheriff's deputy or other authorized agent, employee or independent contractor of the town shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon residential, commercial or industrial property while in the discharge of duties imposed by these regulations. If an inspection reveals the presence of a nuisance, the community development department shall notify the property owner of the nuisance in the manner provided in section 9-42. ~~by registered or certified mail, return receipt requested, sent to the last known address of the owner, ; that a nuisance exists which is a violation of this ordinance.~~ The notice shall also:

(1) Advise the property owner of the right to a hearing as provided in section 54-134;

(2) Specify what corrective action must be taken and the date by which the corrective action must be completed;

(3) State that a failure to abate the nuisance as required by the notice will result in the abatement of the nuisance by the town community development department or an outside contractor retained by the town abating it and that the cost incurred by the town in the abatement of the nuisance of which action shall be assessed against the property as a lien; and

(4) That a lien shall be recorded against the property in the public records of Palm Beach County.

(5) That the failure of the property owner to file an appeal of the determination of a nuisance before the expiration of the date specified in the notice for completion of the corrective action, shall constitute a waiver of the property owner's right to a hearing and right to appeal the town's determination of a nuisance.

The appeal forms required in section 54-134 shall be included in the notice, along with a statement that such form must be used to appeal the administrative determination. The

~~property owner shall have thirty (30) days from the date notice is mailed to abate the nuisance.~~

(b) If an appeal is filed, a quasi-judicial hearing will be scheduled by the town's code compliance division before the town's special magistrate. The town shall give the property owner notice of the hearing in the manner provided in section 9-42. an enforcement action shall proceed as provided in section 54-133.

(c) ~~If no appeal is filed or if the notice sent as provided in subsection 54-133(g) is returned unclaimed;~~ the community development department shall, upon the expiration of the compliance date notification period, re-inspect the property lot to determine whether or not the nuisance has been abated to the satisfaction of the town. If the community development department determines that the property lot still harbors a nuisance, and/or the required corrective action is not completed to the satisfaction of the town manager, the town may immediately commence all reasonable actions necessary to abate the nuisance. it shall cause its abatement according to the provisions of this article. To accomplish that goal, the community development department and/or its agents are authorized by the town commission to enter upon the property lot and to take all steps reasonably necessary to effect the abatement.

(d) If abatement is effected by the community development department, ~~as provided in subsection (e);~~ the cost to the town of abating the nuisance on each lot, including an administrative and operating fee of six hundred dollars (\$600.00), shall be calculated and assessed against the lot by the community development director or the town manager. The assessment shall contain a legal description of the property, the street or physical address, describe the lot, show state the cost of abatement, and specify the administrative and operating fee. The community development department shall mail a notice of the assessment to the owner at the owner's last known address by regular U.S. mail. Until full payment is received, assessments shall be legal, valid and binding liens obligations upon the property. The assessment shall become due and payable to the town as of the date of the mailing of the notice of assessment, interest shall begin to accrue at the statutory rate ~~of eleven (11) percent~~ per annum on any unpaid portion thereof.

(e) As soon as possible after the assessment has been made by the community development director or town manager, a certified copy of the assessment shall be recorded ~~in by way of a claim of lien for assessments in the official records of the town maintained by the town clerk, and the Claim of Lien shall also be recorded in the public records of Palm Beach County.~~ The lien shall become effective on the date that a copy of the lien is recorded.

(f) Lien assessments, together with interest thereon, may be enforced by civil action in the appropriate court of competent jurisdiction. The lien created hereby shall be a first lien, equal to a lien for nonpayment of property taxes, on any lot against which an assessment for costs to abate a nuisance has been recorded. The lien shall continue in full force until discharge by payment or otherwise, until settled and released by the community development director or the town manager.

(g) The community development department shall mail a notice that a lien has been recorded to the record owner of ~~each of each~~ lot described in the lien for the assessments. The notice shall be sent by certified or registered mail, return receipt requested, to the owner's last known address. The notice shall be in a form prepared by the community development department, which shall include the following information:

Name and address of the owner;
Legal description of the lot where the nuisance has been abated;
Date of mailing of the notice of the lien;
A brief description of the nuisance;
Date that notice was originally sent to abate the nuisance;
A statement of the actual costs of abatement, the administrative fee, and any interest due;
Instructions regarding payment and removal of the lien; and
Additional information as necessary and appropriate.

(h) Nothing in this part shall prevent the town or the community development department from pursuing enforcement of this article through other processes.

Sec. 54-134. Appeal procedures.

At any time before the expiration of the time specified in the notice for the completion of the corrective action to abate the nuisance, Within twenty-five (25) days after the initial notice of a nuisance is sent by the community development department, as provided in section 54-133, the property lot owner may appeal the town's determination that a nuisance exists on the property by submitting an appeal on form prepared by the community development department together with make written request to the town for a hearing before the special magistrate to show that the condition alleged in the notice does not exist, or to show that the condition does not constitute a nuisance. Notice of the right to a hearing shall be included in the initial notice to the lot owner. The owner's appeal shall be submitted upon forms to be provided by the community development department, and shall be accompanied by a certified check or money order in the amount of two hundred dollars (\$200.00) made payable to the town Town of Lake Park, which amount shall constitute a fee necessary to defray the costs to the town, the town attorney, the community development department, and for the sSpecial mMagistrate hearing, and the processing and administering the appeal. Failure to file an appeal or to appear before the sSpecial mMagistrate within the proscribed time shall be deemed a waiver of the property lot owner's rights to appeal the administrative action. The special magistrate shall hear the appeal on its regularly scheduled agenda and the hearing shall be conducted in accordance with the procedure set forth in section 9-37, and fines, costs and fees may be imposed by the special magistrate in the same manner as provided in section 9-39. and other. The town's code compliance division special magistrate shall give the property lot owner seeking an appeal written notice of the date and location of the scheduled hearing in the same manner as provided in section 9-42. At the hearing, the town and the lot owner may introduce such evidence as is relevant. The hearing shall be conducted in accordance with the rules of procedure applicable to code enforcement proceedings. The decision of the sSpecial mMagistrate shall be final and the final order finding a nuisance and imposing a fine and costs shall be recorded by the town and shall constitute a lien of the town against the subject property any other property owned by the property owner in the state of Florida.

Section 3. Codification.

The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the Town of Lake Park.

Section 4. Severability.

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repeal of Laws in Conflict.

All ordinances or parts of ordinances of the Town of Lake Park, Florida, which are in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date.

The provisions of this Ordinance shall become effective upon adoption.

TAB 14

Town of Lake Park Town Commission Agenda Request Form

Meeting Date: Sept 12, 2007

Agenda Item No. _____

- ☐ PUBLIC HEARING
☒ Ordinance on Second Reading
☐ Public Hearing

☐ RESOLUTION

☐ DISCUSSION

☐ ORDINANCE ON FIRST READING

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other: _____

SUBJECT: Changes to the Occupational Tax fee schedule Sec. 28-51

RECOMMENDED MOTION/ACTION: Motion to approve

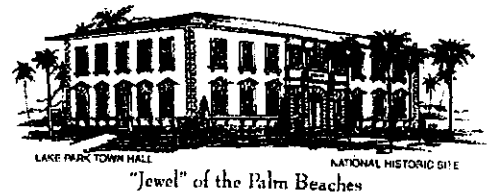
Approved by Town Manager Art Davis

Date: 8/13/07

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Staff Report
Department Review: <input checked="" type="checkbox"/> Town Attorney <u>[Signature]</u> <input type="checkbox"/> Community Affairs <input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	
Yes I have notified everyone _____ or Not applicable in this case _____ Please initial one.		

Summary Explanation/Background: This ordinance amendment will increase fees, clean up outdated uses, and provide for reasonable classifications as prescribed by statute. The occupational tax fees have not been increased since August of 2000. This change will increase taxes by a formula that is in line with state statute. The amended ordinance provides for categories and the tax is uniform throughout each category as is required by statute. Most of the original uses were put in the ordinance back in the late 70's. There are numerous uses (such as pony rides) that are not being used. The amendment to the ordinance will eliminate old and outdated uses.

**Town of Lake Park
Community Development Department**



Meeting Date: August 22, 2007
From: Patrick Sullivan, AICP, Director
Memo Date: August 9, 2007

To: Town Commission
Re: Ordinance Amending Business Tax Schedule in Code Section 23-41

This Ordinance amends the Town Code of Ordinance, Chapter 28, Section 28-41 to increase the business tax which is levied by the Town on persons who maintain a permanent business location or branch office within the Town for the privilege of engaging or managing any business, profession or occupation.

The Town currently has a schedule of taxes contained in the fee schedule of Section 28-41 of the Town Code. The business tax fee schedule in this Code Section has not been increased since August of 2000.

The Town is required to utilize the reclassification and rate increase methodology as set forth in Section 205.043(b) Fla. Stat. (2007) when it increases its business tax rates. This statute allows the Town to increase business taxes by 100% for existing taxes that are \$100 or less; 50% for taxes that are between \$101.00 and \$300.00; and 25% for taxes more than \$300. Merchant inventory taxes are limited to no more than a 25% increase.

For example, if a business tax is presently \$47.00, the Town Commission may increase the tax to \$94.00. A tax of \$200.00 can be increased to \$300.00, and a tax of \$400.00 can be increased to \$500.00.

Furthermore, the Town Code pertaining to business taxation contained in Chapter 28 does not classify business uses by category as is required by the local business tax statute, Chapter 205, Fla. Stat. (2007). This Ordinance provides for categories so that the Town Code will comply with state law.

The Code currently lists business uses alphabetically, and contains a number of uses that do not exist and are archaic such as "pony rides". This Ordinance will amend the Code to eliminate unused and outdated uses. Below, is an example of how the Ordinance will amend the Code to properly categorize business uses in compliance with Chapter 205, Fla. Stat. (2007).

Proposed Example:

Category	→ Financial
	AUTOMATIC TELLER- EA. LOCATION PER MACHINE
	BANKS - S & L, LOAN COMPANIES
	→ Gas Stations, including convenience stores
	FILLING STATION - PUMPS ONLY - STORE IS EXTRA
	→ Housing and Lodging
	HOTELS / MOTELS - PER UNIT
	RENTAL - COMMERCIAL PROP. Per location
	RENTAL PROPERTY- SINGLE FAMILY
	RENTAL-DUPLEX/OTHER - PER UNIT
	RENTAL OTHER
	RENTAL SVC. W/IN TOWN LIMITS

Occupation Tax Comparison Table

Code	Description	Units	Current Fee	Suggested Fee	No of Tax units issued	current revenue	projected revenue
Agriculture, Forestry, Fishing							
FL020	FLORIST-IN BUSINESS OR GROCERY		\$47	\$94	4	\$188	\$376
LA060	LAWN & GARDEN SERVICE		\$47	\$94	25	\$1,175	\$2,350
LA062	LAWN/GARDEN-NON LOCAL/VEHICLE	VEHICLE	\$47	\$94	6	\$282	\$564
NU010	NURSERY IN TOWN LIMITS		\$94	\$94	2	\$188	\$188
NU012	NURSERY MTC. SVC.		\$47	\$94	1	\$47	\$94
Amusement, Education, Recreation, etc							
AT010	ATHLETIC CLUBS	# OF CLUBS	\$47	\$94	1	\$47	\$94
DA030	DANCE STUDIO		\$47	\$94	4	\$188	\$376
MU010	MUSIC CONSERVATORY		\$47	\$94	1	\$47	\$94
GY010	PHYSICAL FITNESS FACILITIES, GYM		\$150	\$94	1	\$150	\$94
AM090	POOL / BILLIARD ROOMS	# OF TABLES	\$22	\$22	1	\$22	\$22
AM050	THEATERS		\$220	\$275	2	\$440	\$550
Construction							
CO001	ALL OTHER CONTRACTORS		\$94	\$141	66	\$6,204	\$9,306
CO108	BUILDING CONTRACTORS, GENERAL		\$141	\$141	34	\$4,794	\$4,794
CA010	CABINET SHOPS, MILLWORK, NOVELTY		\$94	\$141	21	\$1,974	\$2,961
CO124	ENG OR HEAVY CONST. CONTRACTOR		\$189	\$141	3	\$567	\$423
EN020	ENGINEER, LIAISON SERVICE	EACH	\$47	\$47	2	\$94	\$94
PA010	PAINTER, PAPER HANGER		\$47	\$94	2	\$94	\$188
WO010	WOOD YARD OR DEALER		\$47	\$94	1	\$47	\$94
Education, Day Care							
DA003	DAYCARE - 31 - 45 CLIENTS		\$0	\$90	1	\$0	\$90
DA001	DAYCARE - ADULT OR CHILD	CLIENTS	\$0	\$40	2	\$0	\$80
DA005	DAYCARE - MORE THAN 61 CLIENTS		\$0	\$150	7	\$0	\$1,050
SC204	PRIVATE - 31 TO 50 STUDENTS		\$0	\$80	2	\$0	\$160
SC206	PRIVATE - OVER 50 STUDENTS		\$0	\$100	5	\$0	\$500
SC202	PRIVATE-16 TO 30 STUDENTS		\$0	\$60	4	\$0	\$240
SC201	SCHOOLS - PRIVATE 1 TO 15 STU	STUDENTS	\$0	\$40	4	\$0	\$160
DA110	DAYCARE-NONPROFIT		\$47	\$80		\$0	\$0
Financial							
AT050	AUTOMATIC TELLER- EA. LOCATION	# MACHINES	\$110	\$110	14	\$1,540	\$1,540
BA050	BANKS - S & L, LOAN COMPANIES		\$220	\$220	5	\$1,100	\$1,100
Gas Stations, including convenience stores							
FI012	FILLING STATION - 2 EMPLOYEES		\$36	\$94	2	\$72	\$188
FI010	FILLING STATION - PER EMPLOYEE	EMPLOYEES	\$19	\$94	4	\$76	\$376
FI018	FILLING STATION- 6+ EMPLOYEES		\$125	\$94	2	\$250	\$188

Occupation Tax Comparison Table

Code	Description	Units	Current Fee	Suggested Fee	No of Tax units issued	current revenue	projected revenue
FI016	FILLING STATION-5 OR 6 EMPLOYE		\$94	\$94	1	\$94	\$94
	Hospitals, Labs, Care Facilities						
HO042	HOSP/CLIN/CONVL HOME EA PATIENT	BEDS	\$9	\$9	1	\$9	\$9
HO040	HOSPITALS/CLINICS/CONVALESCENT	BEDS	\$141	\$141	1	\$141	\$141
LA002	LABORATORY		\$47	\$94	3	\$141	\$282
NU020	NURSING HOMES	BEDS	\$47	\$47	4	\$188	\$188
	Housing and Lodging						
HO050	HOTELS / MOTELS - PER UNIT	ROOMS	\$11	\$11	1	\$11	\$11
RE039	RENTAL - COMMERCIAL PROP.	UNITS	\$50	\$100	222	\$11,100	\$22,200
RE035	RENTAL PROPERTY- SINGLE FAMILY	UNITS	\$31	\$62	82	\$2,542	\$5,084
RE040	RENTAL SVC. W/IN TOWN LIMITS		\$94	\$141	5	\$470	\$705
RE038	RENTAL-DUPLEX/OTHER - PER UNIT	UNITS	\$21	\$26	209	\$4,389	\$5,434
	Office - Business						
AD020	ADMINISTRATOR		\$141	\$141	18	\$2,538	\$2,538
AR060	ARTIST		\$47	\$94	7	\$329	\$658
BR002	BROADCASTING STATIONS		\$220	\$141	1	\$220	\$141
BR020	BROKER - MERCHANDISE		\$141	\$141	11	\$1,551	\$1,551
BR022	BROKER - MTG OR LOAN		\$189	\$141	5	\$945	\$705
BR028	BROKER - YACHT SALES		\$94	\$141	2	\$188	\$282
BU030	BROKERS - BUSINESS		\$94	\$141	1	\$94	\$141
BU040	BUSINESS OFFICE - UNCLASSIFIED		\$94	\$141	43	\$4,042	\$6,063
CO040	COLLECTION AGENCY	EMPLOYEES	\$47	\$94	1	\$47	\$94
CO092	CONSULTANT, INDIVIDUAL		\$19	\$141	4	\$74	\$564
CO090	CONSULTING FIRM W/EMPLOYEES		\$141	\$141	17	\$2,397	\$2,397
DE070	DETECTIVES /DETECTIVE AGENCIES	EACH EMPL	\$141	\$94	8	\$1,128	\$752
EM020	EMPLOYMENT AGENCIES		\$94	\$141	2	\$188	\$282
EX040	EXTERMINATOR, PEST CONTROL		\$94	\$141	2	\$188	\$282
HO015	HOME OCCUPATIONS		\$94	\$141	139	\$13,066	\$19,599
IN012	INS AGENCY - HEALTH/LIFE/PROP.		\$94	\$141	13	\$1,222	\$1,833
IN020	INSURANCE - EACH LIC. AGENT	AGENTS	\$19	\$19	6	\$114	\$114
IN018	INSURANCE - TITLE AGENCY		\$47	\$94	1	\$47	\$94
IN014	INSURANCE OR BONDING COMPANY		\$141	\$141	157	\$22,137	\$22,137
IN050	INTERIOR DECORATOR/DESIGNER		\$47	\$94	14	\$658	\$1,316
LA010	LAND DEV. MGT. OFFICE		\$141	\$141	1	\$141	\$141
MO020	MODELING AGENCY		\$47	\$94	3	\$141	\$282
NE020	NEWSPAPERS - DAILY		\$189	\$141	1	\$189	\$141
NE030	NEWSSTAND - RETAIL		\$47	\$94	4	\$188	\$376
OP020	OPTICIAN		\$141	\$141	1	\$141	\$141
OR040	ORTHOPEDIC SHOE TECHNICIAN SVC		\$47	\$94	1	\$47	\$94

Occupation Tax Comparison Table

Code	Description	Units	Current Fee	Suggested Fee	No of Tax units issued	current revenue	projected revenue
PRO20	PROMOTION OF SPORTS		\$47	\$94	1	\$47	\$94
RE010	REAL ESTATE BROKERAGE		\$141	\$141	20	\$2,820	\$2,820
RE012	REAL ESTATE SALES AGENT/BROKER	UNITS	\$47	\$94	6	\$282	\$564
RE060	RESEARCH SERVICES		\$47	\$94	1	\$47	\$94
SO050	SOLICITORS		\$47	\$94	1	\$47	\$94
TE020	TELEPHONE ANSWERING SERVICE		\$47	\$94	1	\$47	\$94
TE030	TELEPHONE COMPANY		\$420	\$420	2	\$840	\$840
	Office - Professional						
AC010	ACCOUNTANT/BOOKKEEPER		\$47	\$94	2	\$94	\$188
AN030	ANIMAL HOSPITALS		\$94	\$141	1	\$94	\$141
AR010	ARCHITECT		\$94	\$141	2	\$188	\$282
AT030	ATTORNEYS - AT-LAW	EACH ATTY	\$141	\$141	12	\$1,692	\$1,692
AU060	AUDITORS / CPAS		\$141	\$141	6	\$846	\$846
CH030	CHIROPRACTORS		\$141	\$141	6	\$846	\$846
DE050	DENTAL HYGIENIST		\$47	\$94	1	\$47	\$94
DE060	DENTIST	EACH	\$94	\$94	2	\$188	\$188
PH020	PHYSICIAN, SURGEON, DENTIST	UNITS	\$141	\$141	23	\$3,243	\$3,243
VE010	VETERINARY SURGEON OR VET		\$141	\$141	2	\$282	\$282
	Restaurants, food service and processing						
BA046	BAKERY / BAKER - RETAIL		\$47	\$94	3	\$141	\$282
BU050	BUTCHER SHOPS		\$66	\$94	1	\$66	\$94
CA011	CATERER		\$47	\$94	3	\$141	\$282
CO020	COLD DRINK STANDS		\$47	\$94	3	\$141	\$282
DE020	DELICATESSEN		\$66	\$94	7	\$462	\$658
FI060	FISH MARKET		\$66	\$94	2	\$132	\$188
IC010	ICE CREAM PARLOR		\$94	\$94	3	\$282	\$282
RE070	RESTAURANT	SEATS	\$47		3	\$141	\$0
RE076	RESTAURANT - TAKE OUT SERVICE		\$75	\$94	8	\$600	\$752
RE072	RESTAURANT 26 - 75 PEOPLE		\$75	\$125	14	\$1,050	\$1,750
RE074	RESTAURANT OVER 75 PEOPLE		\$141	\$200	12	\$1,692	\$2,400
CO060	CONCESSION		\$9	\$94	2	\$18	\$188
	Retail and Wholesale Sales						
AR040	ARTISANS OR CRAFTSMAN		\$47	\$94	3	\$141	\$282
BI010	BICYCLE DEALERS/SERVICE	0	\$47	\$47	1	\$47	\$47
CO080	CONSIGNMENT SHOP		\$100	\$94	7	\$700	\$658
FI042	FIRE EXTINGUISHERS /FROM TRUCK	TRUCKS	\$0	\$94		\$0	\$0
GA036	GAS - BOTTLED - TRUCK SERVICE	TRUCKS	\$47		2	\$94	\$0
GA034	GAS - RETAIL DEALERS		\$47	\$94	2	\$94	\$188
GA040	GAS / PROPANE FILLING STATIONS		\$47	\$94	2	\$94	\$188
GA030	GAS / PROPANE WHOLESALE	TRUCKS	\$189	\$189	1	\$189	\$189

Occupation Tax Comparison Table

Code	Description	Units	Current Fee	Suggested Fee	No of Tax units issued	current revenue	projected revenue
IC020	ICE CREAM/NUTS/POPCORN/VEHICLE	VEHICLES	\$47	\$94	2	\$94	\$188
JE010	JEWELRY OR WATCH REPAIRING		\$28	\$94	4	\$112	\$376
ME020	MERCHANT	Thousands	\$21		269	\$5,649	\$0
OF010	OFFICE EQUIPMENT RENTAL SVC.		\$47	\$94	1	\$47	\$94
PE020	PET SHOPS, BIRDS, FISH, AQUARIA		\$47	\$94	4	\$188	\$376
PR010	PRINTER, PRINTING SERVICES		\$94	\$94	15	\$1,410	\$1,410
SH010	SHOE AND BOOT REPAIR SHOPS		\$47	\$94	1	\$47	\$94
AM020	SWIMMING POOL		\$47	\$94	1	\$47	\$94
CO060	CONCESSION		\$9	\$18		\$0	\$0
	Services						
AL010	ALTERATIONS		\$47	\$94	3	\$141	\$282
AN010	ANIMAL AND / OR DOG GROOMING		\$47	\$94	2	\$94	\$188
BA060	BARBERSHOP / BEAUTY PARLOR	CHAIR	\$94	\$94	41	\$3,854	\$3,854
BE030	BENCH ADVERTISING - PER BENCH	BENCHES	\$47	\$47	1	\$47	\$47
BO012	BOATS - HIRE/CANOES/ROW/MOTOR		\$47	\$94	2	\$94	\$188
CS110	BURGLAR ALARM SYSTEM -SERVICES		\$94	\$94	1	\$94	\$94
CA020	CAR WASH - WITH SVC. STATION		\$47	\$94	2	\$94	\$188
CA022	CAR WASH BUSINESS		\$94	\$94	4	\$376	\$376
RU010	CARPET CLEANER VEHICLE SERVICE	VEHICLES	\$47	\$47	2	\$94	\$94
BA061	EACH ADDITIONAL CHAIR	CHAIR	\$9	\$47	28	\$252	\$0
GA020	GARBAGE / TRASH PRIVATE FIRM		\$47	\$94	1	\$47	\$94
JA012	JANITORIAL - FROM TRUCK		\$47	\$94	1	\$47	\$94
JA010	JANITORIAL - RES/COMM CLIENTS		\$47	\$94	4	\$188	\$376
KE040	KEY OR LOCKSMITH		\$27	\$94	1	\$27	\$94
LA020	LAUNDRY - COIN OP SERVICE	MACHINES	\$94	\$94	2	\$188	\$188
LA030	LAUNDRY - DRY CLEANING		\$47	\$94	4	\$188	\$376
LA022	LAUNDRY OVER 20 WASHERS/DRYERS	MACHINES	\$5	\$5	1	\$5	\$5
LA032	LAUNDRY PICK UP STATION		\$47	\$94	3	\$141	\$282
LA026	LAUNDRY VENDING - SOAP ETC.	MACHINES	\$19	\$19	1	\$19	\$19
MA064	MAIL OR PACKAGE DEL. COURIER		\$220	\$220	1	\$220	\$220
MA060	MAIL ORDER ESTABLISHMENT		\$47	\$94	6	\$282	\$564
MA062	MAIL RETAIL		\$47	\$94	2	\$94	\$188
MA080	MASSEUR	EACH	\$47	\$47	7	\$329	\$329
ME040	MESSENGER/PKG DELIVERY SERVICE		\$47	\$94	1	\$47	\$94
PE030	PERSONAL SVC. NOT CATEGORIZED		\$94	\$94	2	\$188	\$188
PH012	PHOTO STUDIO		\$94	\$94	6	\$564	\$564
TA010	TAILOR		\$47	\$94	4	\$188	\$376
TA050	TANNING PARLOR		\$47	\$94	1	\$47	\$94
TI010	TICKET BOOKING OFFICE		\$47	\$94	1	\$47	\$94
TR050	TRAVEL AGENCY / BUREAU		\$94	\$94	1	\$94	\$94
	Storage, Warehousing						

Occupation Tax Comparison Table

Code	Description	Units	Current Fee	Suggested Fee	No of Tax units issued	current revenue	projected revenue
BO080	BOTTLERS/MSHE SOFT DRINKS-250K		\$141	\$210	2	\$282	\$420
WA010	WAREHOUSE - 5,000 S.F. OR LESS	SQ. FT	\$66	\$94	51	\$3,366	\$4,794
WA012	WAREHOUSE - OVER 5,000 S.F.	SQ.FT.	\$47	\$94	23	\$1,081	\$2,162
	Transportation, Communication, Utilities						
AU140	AUTO STORAGE/PARKING		\$94	\$141	9	\$846	\$1,269
AU170	AUTO WRECKING SERVICE / TOWING	VEHICLES	\$47	\$94	6	\$282	\$564
AU092	AUTO. ASSOC. AGENCY-SALESMAN	VEHICLES	\$9	\$94	1	\$9	\$94
CT010	CELL TOWER			\$141	2	\$0	\$282
AU086	MOTOR VEHCL - USED 350 OR OVER		\$294	\$441	4	\$1,176	\$1,764
AU122	MOTOR VEH. PAINT AND BODY SHOP		\$120	\$240	19	\$2,280	\$4,560
AU120	MOTOR VEH. REPAIR/PARTS INSTAL		\$120	\$141	74	\$8,880	\$10,434
AU130	MOTOR VEH. USED PARTS DEALER		\$47	\$94	1	\$47	\$94
AU070	MOTOR VEHICLE SALES - NEW	CARS/YR	\$0	\$94	2	\$0	\$188
AU090	MOTOR VEHICLES ASSOC. AGENCY	EMPLOYEES	\$47	\$94	2	\$94	\$188
AU080	MOTOR VEHICLES SALES - USED	CARS/YR	\$0	\$94	8	\$0	\$752
AU081	MOTOR VEHICLES SALES - USED 100 TO 149		\$141	\$240	1	\$141	\$240
AU076	MOTOR VEHICLES-NEW 350 OR OVER		\$504	\$630	2	\$1,008	\$1,260
AU150	MOTOR VEHICLES-RENTAL HEADQTR.		\$47	\$94	3	\$141	\$282
RE050	REPAIR SHOP / SVC. PER VEHICLE	VEHICLES	\$47	\$94	18	\$846	\$1,692
RE052	REPAIR SHOP/SVC - BUS, IN TOWN		\$66	\$122	44	\$2,904	\$5,368
AU084	SALE OF USED VEHICLES, 259-299		\$221	\$441	1	\$221	\$441
	Vending Machines						
CO002	C.O. BEVERAGE/FOOD,PER MACHINE	MACHINES	\$66	\$66	33	\$2,178	\$2,178
CO006	C.O. GENMERCHANDISE > 25 CENTS	MACHINES	\$9	\$9	17	\$153	\$153
CO016	C.O. PINBALL / VIDEO GAMES	MACHINES	\$66	\$66	4	\$264	\$264
AM070	GAME ARCADES/PARLORS	# OF GAMES	\$94	\$94	1	\$94	\$94
	Vending machines have a cap of \$1,600						
	Other						
AE00X	ADULT ENTERTAINMENT		\$945	\$1,100	2	\$1,890	\$2,200
JU030	JUNK YARD		\$360	\$450	1	\$360	\$450
PA040	PAWNBROKERS, PAWN SHOPS		\$400	\$500	4	\$1,600	\$2,000
						\$154,393	\$202,775

ORDINANCE NO. 22-2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCE CHAPTER 28, TO RE-CLASSIFY BUSINESSES, OCCUPATIONS AND PROFESSIONS BY CATEGORY, TO ELIMINATE THE LISTING OF CERTAIN ARCHAIC AND OBSOLETE BUSINESSES, AND TO INCREASE THE BUSINESS TAX CHARGED FOR THE PRIVILEGE OF ENGAGING IN A BUSINESS, PROFESSION, OR OCCUPATION WITHIN THE TOWN OF LAKE PARK BY AMENDING SECTION 28-41 ENTITLED "SCHEDULE OF FEES AND REGULATIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Florida legislature has recognized that local governments have a bona fide interest in protecting their residents from consumer fraud; and

WHEREAS, the Town Commission has adopted general provisions pertaining to the taxation of business, occupations, and professions which maintain and operate an office and/or branch office within the Town which have been codified in Chapter 28 of the Town's Code of Ordinances; and

WHEREAS, the Town enacted its occupational license n/k/a business tax ordinance prior to 1978; and

WHEREAS, general provisions pertaining to the taxation of business, occupations, and professions which maintain and operate an office and/or branch office within the Town which have been codified in Chapter 28 of the Town's Code of Ordinances; and

WHEREAS, the Town Commission has not increased the taxes charged pursuant to Town Code Section 28-41 for the privilege of engaging in a business, occupation, and/or profession within the Town since 2002; and

WHEREAS, Town staff has recently reviewed Code Section 28-41 and has determined that this Code Section should be amended to eliminate certain archaic and obsolete business listings and their corresponding tax rate, to establish categories of businesses, occupations and professions as required by Chapter 205, Fla. Stat. (2007), and to increase the amount of the business tax charged by the Town in accordance with the tax rate increase methodology required by Section 205.043 (b), Fla. Stat. (2007); and

WHEREAS, the Town Commission has reviewed the recommendations of Town Staff and the proposed amendments to Section 28-41 and has determined that it is in the best interests of the public health, safety and general welfare to adopt the proposed amendments to Section 28-41.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the findings of the Town Commission.

Section 2. Chapter 28, Section 28-41 of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended as follows:

~~Sec. 28-48. Schedule of fees and regulations:~~

The classifications, code numbers and rates of all annual business taxes unless otherwise specified, shall be as follows:

Classification Fee

A

~~(1) ABSTRACT COMPANIES \$141.00~~

~~Additional business tax receipt required for:~~

~~a. AM130 Sightseeing boats 47.00~~

~~Space to operate must be approved and assigned by the town commission. Marine coverage insurance must be in effect and in full force. A certificate of the insurance must be filed with the application for a business tax receipt before a business tax can be issued.~~

~~(13) AN040 ANTIQUE SALES. Definition: Merchandise of intrinsic value not to be confused with secondhand merchandise. New merchandise must be less than 50 percent of total inventory value. Requires merchant business tax receipt~~

~~(17) AR030 ARMS SALES 180.00~~

~~Includes pistols, shotguns and firearms of all kinds, and/or knives, brass knuckles, slingshots, switchblades, or any other handheld device ruled to be a deadly weapon by the Florida Supreme Court. Does not cover fireworks. Surety bond and police reports required. Where other merchandise is sold a merchant inventory business tax receipt is required.~~

~~(23) AT030 ATTORNEYS AT LAW, Without further business tax receipt, may act as a collection agency and may pay taxes for clients without being classified as a tax collection agency; may also act as Insurance Adjustor, F.S. § 626.851 et seq., each 141.00~~

B

~~(33) BICYCLES:~~

~~a. BI010 Bicycle dealers, includes sales, rentals, and repairs. Merchant business tax receipt required.~~

~~(36) BOATS:~~

~~e. BO014 Sales. Motors, boat trailers, with an established place of business within town limits. Merchant business tax receipt required.~~

C

~~(57) CI020 CITRUS FRUIT SHIPPER, including taking orders for fruit shipping; if part of retail sales establishment, a business tax receipt is required in addition to merchant license . . . 66.00~~

~~(63) CO050 COMMERCIAL FREIGHT AND PASSENGER AGENCY~~, applicable when the company is not otherwise business taxed by the town . . . ~~220.00~~

~~E~~

~~(89) EN030 ENGRAVERS~~, when not paying any other town business tax
~~47.00~~

~~(90) EXHIBITIONS~~, promoted by commercial establishment, to be held for no more than 14 consecutive days during any three month period; no more than four exhibitions per year at any one establishment or shopping center. Examples of exhibitions are: auto shows, arts and crafts shows, clothesline art shows, bicycle races, band concerts, boat shows, promotion of research products.

a. ~~EX010~~ An exhibition for which no policing is necessary, and no inspections are necessary by fire, health, building, police, electrical or plumbing inspectors, annual business tax . . . ~~141.00~~

b. ~~EX011~~ An exhibition for which policing is necessary, and inspections are necessary by fire, health, building, police, electrical or plumbing inspectors, annual business tax . . . ~~270.00~~

~~F~~

~~(95) FI030 FILM, VIDEO, MOTION PICTURE RENTAL LIBRARY~~. This is in addition to a camera shop. Where merchandise is sold, a merchant business tax is required . . . ~~47.00~~

~~(96) FIRE EXTINGUISHERS:~~

a. ~~FI040~~ Sales and service, with place of business within town limits, using vehicles to perform services, merchant business tax required.

~~(100) FO010 FOOD LOCKERS AND COLD STORAGE~~, renting cold storage space to the public other than ice factory and when not paying a warehouse and public storage business tax . . . ~~94.00~~

~~(102) FUNERAL CHAPELS, UNDERTAKERS~~. When carrying a stock of, or selling caskets, or any other merchandise, or personal property, merchant business tax required in addition to below:

~~G~~

~~(105) GAS, BOTTLED GAS, GAS COMPANIES, GASOLINE (BULK), LIQUIFIED NATURAL GAS, KEROSENE, OILS FOR ILLUMINATING, COOKING, OR LUBRICATING, PROPANE:~~

e. ~~Bottled gas:~~

1. ~~GA036~~ Service from a truck, with no established place of business, per vehicle . . . ~~47.00~~

2. ~~GA038~~ With an established place of business within the town limits:

Permits wholesale or retail of manufactured gas or liquefied petroleum gas. Merchant business tax required:

~~Name on both sides of trucks. No installation of appliance or tanks permitted under this business tax.~~

~~(107) GU010 GUNSMITH, if selling arms merchant business tax also required . . . 47.00~~

H

~~(119) IN005 INCOME TAX SERVICE, INDIVIDUAL, not full-time occupation, for time from January 1, to April 15 of any one year. If no advertising is done and there are not employees. No business tax required.~~

~~(122) IN050 INTERIOR DECORATOR, DESIGNER DISPLAY ROOMS AND SHOWROOMS, where no stock on floor is carried for sale. Merchant business tax is if stock is sold from the floor . . . 47.00~~

J

~~(125) JE010 JEWELRY OR WATCH REPAIRING, if part of a business establishment, a merchant business tax also required . . . 28.00~~

~~(126) JUNK DEALER OR SHOP, GATHERER, JUNKYARD:~~

~~b. JU020 Junk gatherer, by vehicle when not covered by junk dealer's business tax, requires a surety bond of \$250.00. Each vehicle . . . 47.00~~

K

~~(128) KE040 KEY OR LOCKSMITH, when not paying any other town business tax . . . 27.00~~

M

~~(135) MA062 MAIL RETAIL STORE, MAIL BOX CENTER, not United States Postal Service, if selling merchandise must also obtain merchant business tax receipt. . . 47.00~~

~~(139) ME020 MERCHANT. All merchandise not otherwise provided for in this article shall be classified as mercantile lines and each person engaged in the sale of such merchandise is required to cover their operations by obtaining a business tax receipt as follows: The business tax on every merchant, whether any other business tax is required by any subsection of this article or not, shall be measured by the amount of stock of merchandise and shall be figured and arrived at as follows:~~

~~a. For the first \$1,000.00 or fraction of \$1,000.00 of stock of merchandise 21.00~~

~~b. For each additional \$1,000.00 or fraction thereof 5.00~~

e. ~~The amount calculated per a. and b. above shall be multiplied by a constant factor as outlined below, to determine the total license business tax due:~~

TABLE INSET:

<i>Calculated Amount per a. and b. above—</i>	<i>Constant Factor—</i>
\$100.00 or less	1.0—
\$101.00 to \$300.00 . . .	1.0—
Over \$300.00	1.0—

d. ~~The words "stock of merchandise" shall be held to mean the cash value of merchandise or goods on hand last January first, or for the applicant's fiscal year, whichever being the higher, and not the amount of the capital stock invested in the business. If a business tax receipt is issued for a business not operating on the preceding January first, then a business tax receipt shall be issued for \$20.00 on a merchandise valuation of \$1,000.00. Inventory shall be taken 60 days after issuance of the business tax receipt and the business tax shall be computed on such inventory and whatever additional tax, if any, is due shall be paid at such time and a receipt shall be issued showing the payment of such amount:~~

~~(144) **MOTOR VEHICLE SALES, SERVICE, REPAIR, RENTAL, SHIPPING, TOWING,** includes automobiles, trucks, tractors, and motoreycles:~~

e. ~~Motor vehicle sales:~~

1. ~~New vehicles. Franchise agencies or persons engaged in the sale of new automobiles or trucks shall be subject to the following schedule of business taxes based on the number of only new units sold per annum:~~

~~Preceding year~~

- ~~i. AU070 4 to 99 — 189.00~~
- ~~ii. AU071 100 to 149 . . . 220.00~~
- ~~iii. AU072 150 to 199 . . . 294.00~~
- ~~iv. AU073 200 to 249 . . . 367.00~~
- ~~v. AU074 250 to 299 . . . 441.00~~
- ~~vi. AU075 300 to 349 . . . 441.00~~
- ~~vii. AU076 350 or over . . . 504.00~~

2. ~~Used vehicles or new tractors. Agencies or persons engaged in the sale of only used automobiles, trucks or tractors or new tractors shall be subject to the following schedule of business taxes based on the number of used units or new tractor units sold per annum:~~

~~Preceding year~~

- ~~i. AU080 4 to 99 — 94.00~~
- ~~ii. AU081 100 to 149 — 141.00~~
- ~~iii. AU082 150 to 199 — 189.00~~
- ~~iv. AU083 200 to 249 — 189.00~~

v. ~~AU084 250 to 299 221.00~~

vi. ~~AU085 300 to 349 257.00~~

vii. ~~AU086 350 or over 294.00~~

3. ~~Agencies or persons licensed under subsections 1 or 2 are required to obtain a business tax receipt for each of the following additional businesses conducted on the site:~~

i. ~~Motor vehicle repair shop;~~

ii. ~~Paint and body shop;~~

iii. ~~Parts department, whether retail sales only or in association with repair shop;~~

iv. ~~Used cars;~~

v. ~~No business tax receipt required for auto wrecking service if used in normal course of business and not registered with law enforcement agencies for calls;~~

vi. ~~Parts, sales.~~

~~New parts merchant business tax receipt required, business tax based on inventory.~~

~~AU130 Used parts (secondhand dealer) 47.00~~

~~No business tax receipt required for auto wrecking if used in normal course of business and not registered with law enforcement departments for calls. Notice to chief of police of any autos purchased from juveniles~~

~~AU162 Plus an additional business tax for each cab or taxi operated, each 47.00~~

~~(146) MUSIC:~~

a. ~~MU010 Conservatory 47.00~~

~~Teaching of music by staff, booking musical events and entertainment, such as shows and orchestras. If there is retail sales of sheet music, musical instruments and other related materials, a merchant business tax receipt is required.~~

b. ~~Playing machines, coin-operated, see COIN-OPERATED MACHINES.~~

c. ~~Teachers, no business tax receipt required. Persons giving lessons in homes without assistance or staff require no business tax receipt however, if music, records, or instruments are sold, then a merchant business tax receipt is required.~~

~~N~~

~~(148) NEWS:~~

a. ~~NE002 Magazine depot, wholesale 47.00~~

~~If merchandise is sold, an additional merchant business tax receipt is required.~~

~~P~~

~~(159) PA040 PAWNBROKERS, PAWNSHOPS, requires approval by the town commission; after a permit has been issued by law enforcement personnel, \$250.00 cash or surety bond. If selling other than articles taken on pledge, a merchant business tax receipt license is required in addition to the pawnbroker's business tax receipt. 400.00~~

~~(162) PE020 PET SHOPS, BIRDS, FISH AQUARIA~~, includes the sale of supplies, pet foods, etc. Merchant business tax receipt also required — 47.00

~~T~~

~~(192) TA040 TAXIDERMIST~~, where merchandise is carried, merchant business tax receipt is also required — 94.00

~~(194) TE030 TELEPHONE COMPANY~~, includes telecommunications, beepers, wireless service providers, not including retail sales of equipment, which requires a merchant business tax receipt 420.00

~~U~~

~~(198) UNIFORM SALES OR RENTALS:~~

a. ~~With an established place of business within the town limits, merchant business tax receipt.~~

~~W~~

~~(201) WATER SOFTENER SALES, SERVICE, INSTALLATION:~~

a. ~~WA030 Sales and rental of equipment and service. Merchant business tax receipt required with an established place of business in the town.~~

Sec. 28-41. Schedule of Taxes and regulations

Sec. 28-51. Schedule of Taxes and regulations

All businesses that maintain an inventory for resale shall be subject to a merchant inventory tax in addition to any base operation taxes. The business tax on every merchant, whether any other business tax is required by any subsection of this article or not, shall be measured by the amount of stock of merchandise and shall be figured and arrived at as follows:

FIRST \$1000 OR FRACTION THEREOF \$42.00

PER EACH ADDITIONAL \$1000.00 or fraction thereof \$6.25

The words "stock of merchandise" shall be held to mean the cash value of merchandise or goods on hand last January first, or for the applicant's fiscal year, whichever being the higher, and not the amount of the capital stock invested in the business. If a business tax receipt is issued for a business not operating on the preceding January first, then a business tax receipt shall be issued for \$40.00 on a merchandise valuation of \$1,000.00. Inventory shall be taken 60 days after issuance of the business tax receipt and the business tax shall be computed on such inventory and whatever additional tax, if any, is due shall be paid at such time and a receipt shall be issued showing the payment of such amount.

Description	Units	Base tax	Min. tax
Agriculture, Forestry, Fishing			
FLORIST-IN BUSINESS OR AS PART OF GROCERY STORE		\$94	
LAWN & GARDEN SERVICE		\$94	
LAWN/GARDEN-NON LOCAL/VEHICLE	VEHICLE		\$94
NURSERY IN TOWN LIMITS		\$94	
NURSERY MTC. SVC.		\$94	
GARDEN/FRUIT STAND		\$94	
OTHER AG/GARDEN if inventory is part of the business then subject to merchant tax also		\$94	
Amusement, Recreation, etc			
ATHLETIC CLUBS		\$94	
ATHLETIC CLUBS additional tax per employee			\$9
DANCE STUDIO		\$94	
MUSIC CONSERVATORY		\$94	
PHYSICAL FITNESS FACILITIES, GYM		\$94	
POOL / BILLIARD ROOMS	TABLES		\$22
THEATERS	SEATS		
LESS THAN 300 SEATS		\$275	
MORE THAN 300 SEATS		\$330	
OTHER AMUSEMENT/RECREATION if inventory is part of the business then subject to merchant tax also		\$94	
Construction			
ALL OTHER CONTRACTORS		\$141	
BUILDING CONTRACTORS, GENERAL		\$141	
CABINET SHOPS, MILLWORK, NOVELTY, ETC		\$141	
ENG OR HEAVY CONST. CONTRACTOR		\$141	
ENGINEER; LIAISON SERVICE	EACH	\$0	\$47
PAINTER, PAPER HANGER, SHEETROCK, ETC		\$94	
WOOD YARD OR DEALER		\$94	
CONSTRUCTION OTHER		\$141	
Education, Day Care			
DAYCARE - UP TO 15 CHILDREN	CHILDREN	\$80	
DAYCARE - 16-60 CLIENTS	CHILDREN	\$150	
DAYCARE - MORE THAN 61 CLIENTS	CHILDREN	\$225	
	STUDENTS		
PRIVATE SCHOOLS - 1 TO 15 STU		\$80	
PRIVATE SCHOOLS - 17 TO 50 STUDENTS	STUDENTS	\$140	

PRIVATE SCHOOLS - MORE THAN 51 STUDENTS	STUDENTS	\$200	
DAYCARE-NONPROFIT		\$47	
Financial			
AUTOMATIC TELLER- EA. LOCATION PER MACHINE	MACHINES		\$110
BANKS - S & L, LOAN COMPANIES		\$220	
Gas Stations, including convenience stores			
FILLING STATION - PUMPS ONLY - STORE IS EXTRA		\$94	
Hospitals, Labs, Care Facilities			
HOSP/CLN/CONVL HOME EA PATIENT- LESS THAN 10 BEDS	BEDS	\$141	
HOSPITALS/CLINICS/CONVALESCENT - PER BED OVER 10	BEDS	\$9	
LABORATORY		\$94	
NURSING HOMES		\$94	
Housing and Lodging			
HOTELS / MOTELS - PER UNIT	ROOMS		\$11
RENTAL - COMMERCIAL PROP. Per location		\$100	
RENTAL PROPERTY- SINGLE FAMILY	UNITS		\$62
RENTAL-DUPLEX/OTHER - PER UNIT	UNITS		\$26
RENTAL OTHER	UNITS		\$26
RENTAL SVC. W/IN TOWN LIMITS		\$141	
Office - Business			
ADMINISTRATOR		\$141	
ARTIST		\$94	
BROADCASTING STATIONS		\$141	
BROKER - MERCHANDISE		\$141	
BROKER - MTG OR LOAN		\$141	
BROKER - YACHT SALES		\$141	
BROKERS - BUSINESS		\$141	
BUSINESS OFFICE - UNCLASSIFIED HEREIN		\$141	
COLLECTION AGENCY - TO INCLUDE ONE EMPLOYEE		\$94	
	EMPLOYEES		
MORE THAN ONE EMPLOYEE - PER EMPLOYEE		\$94	

CONSULTANT AND/OR BUSINESS ADVISORS, where advice is the only service rendered, and nothing is bought or sold in connection with the service rendered. Includes: Bond consultant; city planning consultant; Landscape architect; computer consultant (software or Website developer, system designer or similar lines); engineer (civil, consulting, drafting, electrical, mechanical, or similar lines, where a contractor's license is not required); investment securities consultant; naturalization consultant, personal problem consultant; public relations consultant; tax consultant; and other similar professionals			
CONSULTANT, INDIVIDUAL		\$141	
CONSULTING FIRM W/EMPLOYEES		\$141	
DETECTIVES /DETECTIVE AGENCIES		\$141	
EMPLOYMENT AGENCIES		\$141	
EXTERMINATOR, PEST CONTROL		\$141	
HOME OCCUPATIONS		\$141	
INS AGENCY - HEALTH/LIFE/PROP.		\$141	
INSURANCE - TITLE AGENCY		\$94	
INSURANCE OR BONDING COMPANY		\$141	
INSURANCE AGENCY - EACH LIC. AGENT	AGENTS		\$19
INTERIOR DECORATOR/DESIGNER		\$94	
LAND DEV. MGT. OFFICE		\$141	
MODELING AGENCY		\$94	
MULTI-SERVICE		\$141	
NEWSPAPERS		\$141	
NEWSSTAND - RETAIL		\$94	
OPTICIAN		\$141	
ORTHOPEDIC SHOE TECHNICIAN SVC		\$94	
PROMOTION OF SPORTS		\$94	
REAL ESTATE BROKERAGE / APPRAISER		\$141	
REAL ESTATE SALES AGENT/BROKER per agent/broker		\$94	
RESEARCH SERVICES		\$94	
SOLICITORS		\$94	
TELEPHONE ANSWERING SERVICE		\$94	
TELEPHONE COMPANY		\$420	
BUSINESS - OTHER if inventory is part of the business then subject to merchant tax also		\$141	
Office - Professional			
ACCOUNTANT/ BOOKKEEPER		\$94	
ANIMAL HOSPITALS		\$141	

ARCHITECT Certificate from Florida Board of Architecture required		\$141	
ATTORNEYS - AT- LAW Without further business tax receipt, may act as a collection agency and may pay taxes for clients without being classified as a tax collection agency; may also act as Insurance Adjustor, F.S. § 626.851 et seq.,	EACH ATTY		\$141
AUDITORS / CPA'S		\$141	
CHIROPRACTORS		\$141	
DENTAL HYGIENIST		\$94	
DENTIST	EACH		\$94
PHYSICIAN, SURGEON	UNITS		\$141
VETERINARY SURGEON OR VET		\$141	
OFFICE - PROFESSIONAL OTHER if inventory is part of the business then subject to merchant tax also		\$141	
Restaurants, food service and processing			
BAKERY / BAKER - RETAIL/WHOLESALE		\$94	
BUTCHER SHOPS		\$94	
CATERER		\$94	
COLD DRINK STANDS		\$94	
DELICATESSEN		\$94	
FISH MARKET		\$94	
ICE CREAM PARLOR		\$94	
RESTAURANT capacity to 25 patrons		\$94	
RESTAURANT - TAKE OUT SERVICE		\$94	
RESTAURANT 26 - 75 Patrons		\$125	
RESTAURANT OVER 75 Patrons		\$200	
CONCESSION		\$94	
Retail and Wholesale Sales			
ARTISANS OR CRAFTSMAN		\$94	
BICYCLE DEALERS/SERVICE			\$47
CONSIGNMENT SHOP		\$94	
FIRE EXTINGUISHERS SALES & SERVICE		\$94	
FIRE EXTINGUISHERS /FROM TRUCK	TRUCKS	\$94	
GAS / PROPANE WHOLESALE one truck		\$189	
OIL / GAS - BOTTLED - TRUCK SERVICE	TRUCKS		\$94
GAS - RETAIL DEALERS		\$94	
GAS / PROPANE FILLING STATIONS		\$94	
ICE CREAM/NUTS/POPCORN/VEHICLE	VEHICLES		\$47
JEWELRY OR WATCH REPAIRING		\$94	
OFFICE EQUIPMENT RENTAL SVC.		\$94	

PET SHOPS, BIRDS, FISH, AQUARIA		\$94	
PRINTER, PRINTING SERVICES		\$94	
SHOE AND BOOT REPAIR SHOPS		\$94	
SWIMMING POOL		\$94	
CONCESSION		\$18	
RETAIL/WHOLESALE OTHER if inventory is part of the business then subject to merchant tax also		\$94	
Services			
ALTERATIONS not including businesses where alterations or repairs are incidental to the primary business		\$94	
ANIMAL AND / OR DOG GROOMING			\$47
AUCTIONEER -FIXED BUILDING		\$94	
AUCTIONEER - NO FIXED BUILDING		\$141	
BARBERSHOP / BEAUTY PARLOR	CHAIR		\$94
EACH ADDITIONAL CHAIR	CHAIR		\$9
BENCH ADVERTISING - PER BENCH	BENCHES		\$47
BINGO PARLOR		\$220	
BOATS - HIRE/CANOES/ROW/MOTOR		\$94	
BURGLAR ALARM SYSTEM -SERVICES		\$94	
CAR WASH - WITH SVC. STATION		\$94	
CAR WASH BUSINESS		\$94	
CARPET CLEANER VEHICLE SERVICE	VEHICLES		\$47
CLEANING SERVICE / PRESSURE WASHING		\$94	
GARBAGE / TRASH PRIVATE FIRM		\$94	
JANITORIAL - FROM TRUCK		\$94	
JANITORIAL - RES/COMM CLIENTS		\$94	
KEY OR LOCKSMITH		\$94	
LAUNDRY - COIN OP SERVICE 1 to 20 machines		\$94	
More than 20 machines: BASE tax plus per machine tax	MACHINES		\$5
LAUNDRY VENDING - SOAP ETC. 1-4 machines		\$19	
LAUNDRY VENDING - SOAP ETC. 5 or more per machine			\$5
LAUNDRY - DRY CLEANING		\$94	
LAUNDRY PICK UP STATION		\$94	
MAIL OR PACKAGE DEL., COURIER		\$220	
MAIL ORDER ESTABLISHMENT		\$94	
MAIL RETAIL		\$94	
MASSEUR	EACH		\$47
MESSENGER/PKG DELIVERY SERVICE		\$94	
PERSONAL SVC. NOT CATEGORIZED		\$94	

REPAIR SHOP / SVC. PER VEHICLE	VEHICLES		\$47
REPAIR SHOP/SVC - BUS. IN TOWN		\$240	
PHOTO STUDIO		\$94	
TAILOR		\$94	
TANNING PARLOR		\$94	
TICKET BOOKING OFFICE		\$94	
PORTABLE TOILET SERVICE		\$94	
TRAVEL AGENCY / BUREAU		\$94	
SERVICES OTHER if inventory is part of the business then subject to merchant tax also.		\$94	
Storage, Warehousing			
BOTTLERS/WSHE SOFT DRINKS-250K		\$210	
WAREHOUSE - SINGLE USE		\$94	
WAREHOUSE - OFFICE less than or equal to 5,000 square feet		\$94	
WAREHOUSE - OFFICE greater than 5,000 per additional 5,000 square feet or fraction thereof		\$141	
WAREHOUSE OTHER if inventory is part of the business then subject to merchant tax also		\$141	
Transportation, Communication, Utilities			
CELL TOWER, RADIO/TV TOWER		\$141	
each additional lessee	LESSEE		\$141
ATV SALES AND SERVICE plus business tax based on value of inventory		\$141	
NEW OR USED BOAT SALES plus business tax based on value of inventory		\$300	
NEW and USED boats as above are required to obtain a business tax receipt for each of the following additional businesses conducted on the site: Boat repair shop; Paint and Body shop; Parts department whether retail sales or in association with repair shop. Parts & sales business tax receipt is based on inventory.			
BOAT REPAIR/PARTS INSTALL		\$141	
BOAT PAINT AND BODY SHOP		\$240	
BOAT USED PARTS DEALER		\$94	
BOAT STORAGE		\$184.00	

MOTOR VEHICLE SALES - NEW Franchise agencies or persons engaged in the sale of new automobiles, motor homes or trucks shall be subject to the following schedule of business taxes based on the number of only new units sold per annum: Preceding year. Plus, business tax based on value of inventory.			
1-99	CARS/YR	\$284	
100-149	CARS/YR	\$330	
150-199	CARS/YR	\$441	
200-249	CARS/YR	\$459	
250-299	CARS/YR	\$551	
300-349	CARS/YR	\$551	
350 or over	CARS/YR	\$630	
MOTOR VEHICLE SALES - USED agencies or persons engaged in the sale of new automobiles, motor homes or trucks shall be subject to the following schedule of business taxes based on the number of only new units sold per annum: Preceding year. Plus, business tax based on value of inventory.			
1-99	CARS/YR	\$141	
100-149	CARS/YR	\$212	
150-199	CARS/YR	\$284	
200-249	CARS/YR	\$284	
250-299	CARS/YR	\$332	
300-349	CARS/YR	\$386	
350 or over	CARS/YR	\$441	
NEW and USED vehicles as enumerated in Sec 1 and 2 above are required to obtain a business tax receipt for each of the following additional businesses conducted on the site: Motor Vehicle repair shop; Paint and Body shop; Parts department whether retail sales or in association with repair shop; used cars. Parts & sales business tax receipt is based on inventory.			
MOTOR VEHICLES ASSOC. AGENCY (e.g. AAA) Base Operation		\$94	
MOTOR VEHICLES ASSOC. AGENCY per salesperson	Sales person	\$18	
MOTOR VEH. REPAIR/PARTS INSTALL		\$141	
MOTOR VEH. PAINT AND BODY SHOP		\$240	
MOTOR VEH. USED PARTS DEALER		\$94	
MOTOR VEH. STORAGE		\$184	
MOTOR VEHICLES-RENTAL HEADQTR.		\$94	
TAXICABS and for hire vehicles of any form. Proof of minimum insurance required by state department of motor vehicles. A sworn copy of rate and fare schedule must be filed with permit			

application			
TAXI BUSINESS to include one vehicle		\$94	
Additional vehicles per vehicle			\$94
AUTO WRECKING SERVICE / TOWING per vehicle - if registered with law enforcement departments.	VEHICLES	\$94	
Vending Machines			
VENDING, COIN-OPERATED AND OTHER MACHINES The following machines are exempt: postage stamps; drinking cups; unadulterated Florida citrus juice; parcel checking lockers and toiled locks; and cigarette machines. Operator must furnish a list of locations; tags must be attached to machines; if electrically operated, log application to electrical inspector. There is a maximum tax of \$2,000 per year. For items not herein specified, such tax shall be determined from time to time by the Town Manager on a basis comparative with other vending machines.			
C.O. VENDING MACHINE PER MACHINE	MACHINES		\$66
C.O. PINBALL / VIDEO GAMES	MACHINES		\$66
GAME ARCADES/PARLORS	# OF GAMES		\$94
Other			
ADULT ENTERTAINMENT		\$1,100	
JUNK YARD		\$450	
PAWNBROKERS, PAWN SHOPS require approval by the town commission, after a permit has been issued by law enforcement personnel, \$250.00 cash or surety bond. If selling other than articles taken on pledge, a merchant business tax receipt is required in addition to the pawnbroker's business tax receipt		\$500	
Merchant Inventory taxes			
MERCHANT. All merchandise not otherwise provided for in this article shall be classified as mercantile lines and each person engaged in the sale of such merchandise is required to cover their operations by obtaining a business tax receipt.		\$500	

Section 2. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 3. **Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. **Codification.** The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 5. **Effective Date.** This Ordinance shall take effect immediately upon adoption.

TAB 15

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No.

- | | |
|--|---|
| <input checked="" type="checkbox"/> QUASI-JUDICIAL PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
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SUBJECT: Quasi-Judicial Hearing. Special Exception Use for used car sales with conditions.

RECOMMENDED MOTION/ACTION: Motion to approve with conditions

Approved by Town Manager

He. Davis

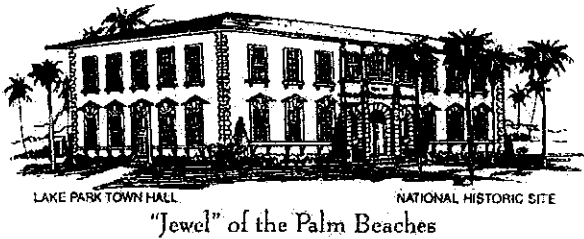
Date:

9/4/07

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Staff Report Resolution
Department Review: <input type="checkbox"/> Town Attorney KER 082807 <input type="checkbox"/> Community Affairs <input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Finance <input type="checkbox"/> Fire Dept <input type="checkbox"/> Library <input type="checkbox"/> PBSO	<input type="checkbox"/> Personnel <input type="checkbox"/> Public Works <input type="checkbox"/> Town Clerk <input type="checkbox"/> Town Manager
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____ Please initial one.

Summary Explanation/Background: The Applicant, Julius Automotive, has requested approval of a 3,744 sf Automobile Service & Sales special exception use in the C-4 commercial zoning district under the C-4 zoning use classification of "Other Uses of the same and general character as those listed". Both auto paint and body shops; and boat sales, repair and storage are permitted uses in the C-4 commercial zoning district. Automobile Service & Sales is of the same general character and can be classified as "Other Uses". The service portion of the business has been existing, and the Applicant would like to add a sale and rental portion by bringing the entire use of "auto sales and repair" in compliance by applying for a special exception. The automobile service and sales business will not require any additional parking spaces. This is an existing business previously listed as an auto repair shop. The addition of auto sales will not increase the number of employees.

The Planning & Zoning Board has recommended approval of the special exception at their August 2007 meeting. In addition, staff finds that all the special exception criteria of the Town Code have been satisfied and recommends that the Town Commission APPROVE the special exception request subject to conditions of approval requiring: (1) that the Applicant maintain any hedges in the required landscape buffer at a height of 30 inches along the front parking and display areas and 6 feet along the back storage area for the perimeter landscaping as indicated on the landscape and site plan, (2) the installation of a fire alarm system, subject to inspection and approval by Palm Beach County Fire Rescue. (3) The auto display areas will be limited to the area set aside on the site plan.



TOWN COMMISSION
Meeting Date: September 12, 2007
Date Prepared: August 29, 2007

**REQUEST FOR SPECIAL EXCEPTION APPROVAL FOR AN AUTO SALES
AND REPAIR BUSINESS WITHIN THE C-4 ZONING DISTRICT BY SEMINOLE
BAY LAND COMPANY, INC. AS AGENT FOR THE APPLICANT, JULIUS
AUTOMOTIVE GROUP, INC.**

APPLICANT'S REQUEST: A request by Seminole Bay Land Company, Inc. ("Agent") as the Agent for the Applicant, Julius Automotive Group, Inc. for the approval of a special exception for an auto sales and repair use to be located at the existing Julius Automotive business at 900 Old Dixie Highway in the C-4 zoning district.

SPECIAL EXCEPTION

The Planning and Zoning Board voted 3-2 to forward the request for a special exception petition to the Town Commission with a recommendation of **APPROVAL** with the following conditions:

- (1) The Applicant maintain the hedges at a height of 30 inches along the front parking and display area and 6 feet along the back storage area for the perimeter landscaping as indicated on the site plan dated June 9, 2007 and prepared by Seminole Bay Land Company, a copy of which is attached hereto as Exhibit "A" and incorporated by reference herein, and
- (2) Within 30 days of the date of approval of the special exception Applicant shall install and maintain a fire alarm system subject to inspection and approval by Palm Beach County Fire Rescue, and
- (3) Within 30 days of the date of approval of the special exception, the Applicant shall install and maintain, and replace if required, a Ficus hedge in the back storage area with a height of not less than 48" at the time of installation and allow the hedge to grow to 6 feet within 24 months, and
- (4) Provide for seven (7) customer and employee parking spaces on-site.
- (5) In the designated auto display area to allow four (4) cars for sale or two (2) cars and one (1) limo display to be restricted to the southwest display area.

BACKGROUND:

Applicant(s): Julius Automotive, Inc., represented by Seminole Bay Land Company, Inc.
Owner(s): Ernest D. Ganz III
Address/Location: 900 Old Dixie Highway, Lake Park, FL 33403
Net Acreage: .37 acres (3744 sf)
Legal Description: See Application
Existing Zoning: C-4 Business District
Future Land Use: Mixed Commercial / Light Industrial

Adjacent Zoning

North: C-4
South: C-4
East: C-4
West: C-4

Adjacent Existing Land Use

North: Economical Automotive (motor vehicle repair / parts installation)
South: G.P. Auto Service (auto paint and body shop); Moonlight Designs (auto repair and service)
West: Draperies of Palm Beach, Inc. (manufacturing)
East: Window Doctor Inc. (contractors); Marlin P. Jones Associates (Mail Order Establishment); Screen Shop (contractors)

SUMMARY OF REQUEST

The Applicant has requested approval of a 3,744 sf Automobile Service & Sales special exception use in the C-4 commercial zoning district under the C-4 zoning district classification of "Other Uses of the same and general character as those listed". Both auto paint and body shops; and boat sales, repair and storage are permitted uses in the C-4 commercial zoning district. Automobile Service & Sales is of the same general character and can be classified as "Other Uses".

The service portion of the business has been existing, and the Applicant would like to add a sale and rental portion by bringing the entire use of "auto sales and repair" in compliance by applying for a special exception. The automobile service and sales business will not require any additional parking spaces. This is an existing business previously listed as an auto repair shop. The addition of auto sales will not increase the number of employees. The minimum parking requirements for auto sales as per Section 78-145 (g)(2) of the Code requires 1 space per 500 SF. The building square footage as listed is 3,744 SF. Seven (7) parking spaces are required and have been provided. All of the surrounding properties are within the C-4 Business District and the adjacent Campus Light Industrial & Commercial (CLIC). A significant number of these uses are automobile and industrial in nature. These businesses generally

operate between the hours of 7:00am and 5:00pm. The daytime anticipated traffic generation is consistent with those of the surrounding business and uses and the proposed business will not generate more than what would be normally anticipated for this type of business.

SPECIAL EXCEPTION CRITERIA

The Town Commission may permit special exception uses in the C-4 zoning district, provided that the Town Commission determines that the proposed use meets the special exception zoning criteria established in Section 78-184 of the Town Code, and is consistent with the goals, objectives and policies of the Town's Comprehensive Plan. The Town Commission may impose conditions upon the approval of a special exception use, including, but not limited to, conditions which require an applicant to exceed standards which have been adopted pursuant to the Town's land development regulations. The following policies indicate the consistency between the Comprehensive Plan and the proposed use:

Future Land Use Element

Objective 1: Future growth and development shall be managed through the preparation, adoption, implementation and enforcement of land regulations which: ... (3) encourage redevelopment, renewal or renovation, where and when necessary; and (4) discourage the proliferation of urban sprawl.

The Applicant is proposing a 3,744 SF Automobile Service & Sales Business use which may be permitted as a special exception use in the C-4 district and classified as "Other Uses".

Policy 1.4: Land development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for commercial land use intensities as indicated below:

- a. Location shall be in accordance with the Future Land Use Map.
- f. Adequate off-street parking and loading facilities shall be provided.

The Future Land Use Map delineates this area as a commercial and light industrial area. Automobile Service & Sales Business is a commercial use. Section 78-74 allows for other uses of the same general character as those listed in the C-4 zoning district if approved by the Town Commission. The requested use, Automobile Service & Sales Business, is of the same general character as Boats, sales, service and storage which is an allowed special exception use in the C-4 zoning district.

The proposed use includes vehicle storage and auto display, and Staff has determined that adequate parking will be provided. For customer and

employee Automobile Sales and Service, Section 78-145 (g)(2) requires one (1) space per 500 SF of enclosed gross floor area. A 3,744 SF building would require a minimum of 7 customer and employee parking spaces. The proposed use is consistent with this policy.

8.0 Conservation

Objective 1: Protect air quality within the Town of Lake Park

The Applicant anticipates that the degree of noise, odor or other potential nuisance factors will not be increased by granting the special exception use of auto sales, but in fact such negative effects may be reduced since the Applicant has proposed to increase the landscape screening of external and internal work and service areas. Staff finds that the Application is consistent with this objective and policy.

Analysis of Criteria and Findings for Special Exception

The Code of Ordinances provides for the following process for a special exception approval:

Sec. 78-184. Criteria for special exception.

(a) A special exception use shall not be approved unless an applicant establishes that all of the following criteria are met:

(1) The proposed special exception use is consistent with the goals, objectives, and policies of the Town's Comprehensive Plan.

The proposed use is very similar to other uses in the area. The proposed use is commercial in a commercial area. Surrounding businesses include auto repair and sales, auto body shops, manufacturing and various contractors.

(2) The proposed special exception is consistent with the land development and zoning regulations and all other portions of this Code.

The Code allows similar uses as special exception use in this zoning district provided the use is consistent with other existing uses. The proposed use is a commercial use that is similar to other commercial uses permitted in this district.

(3) The proposed special exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property.

The business will operate during the day 8am-8pm, Monday through Saturday, and will not have any additional traffic impact, and the subject property is being upgraded with Code compliant landscaping.

(4) The establishment of the proposed special exception use in the identified location does not create a concentration or proliferation of the same or similar type of special exception use, which may be deemed detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed.

There are similar uses of this type in the area and Staff has determined that the proposed use will not be detrimental.

(5) The proposed special exception use does not have a detrimental impact on surrounding properties based on:

- a. The number of persons anticipated to be using, residing, or working on the property as a result of the special exception use;
- b. The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use; and
- c. The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.

There is no substantial competent evidence that this use will have a detrimental impact on surrounding properties. The use will not result in an increase in employees; existing sales and service personnel will handle the vehicle rental operations as well as any automobile sales. The use will generate a minimal traffic impact. No odor or visual nuisances will be produced,. The noise level from the business will be minimal and may in fact be reduced by the buffer created by additional landscaping to be provided by the Applicant for screening purposes.

(6) That the proposed special exception use:

- a. Does not significantly reduce light and air to adjacent properties.
- b. Does not adversely affect property values in adjacent areas.
- c. Would not be a deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations.
- d. Does not negatively impact adjacent natural systems or public facilities, including parks and open spaces.
- e. Provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

There is no substantial competent evidence that this use will reduce light, adversely affect property values, deter redevelopment, or impact any natural systems. Since this use will be located internal to an existing building subsection (e) above is not applicable. The

service portion of the business is an existing use. The Applicant would like to add a sale and rental portion and have the entire use of "auto sales and repair" be permitted as a special exception.

Applicant's Response to Special Exception Criteria. Please see the attached justification statement to the special exception criteria as provided by the Applicant.

NOTE: This Applicant also requested, and at the August 6, 2007 Planning & Zoning Board meeting, did receive by a 4-1 vote, four variances to allow a reduction in the buffer width requirements from 8 to 0 feet along the north; 8 to 3 feet along the west; 15 to 5 feet along the south; 15 to 6.5 feet along the east, for the commercial building located at 900 Old Dixie Highway.

STAFF RECOMMENDATION ON SPECIAL EXCEPTION REQUEST:

Staff finds that all the special exception criteria of the Town Code have been satisfied and recommends that the Town Commission APPROVE the special exception request subject to conditions of approval requiring:

(1) The Owner shall maintain the hedges at a height of thirty (30) inches along the front parking and display area and six (6) feet along the back storage area for the perimeter landscaping as indicated on the site and landscape plan dated June 9, 2007 and prepared by Seminole Bay Land Company, a copy of which is attached hereto as Exhibit "A"; and

(4) Within 30 days of the date of approval of the special exception, the Owner shall install and operate a fire alarm system in the building on the premises, which system shall be subject to the inspection and approval by Palm Beach County Fire Rescue, and

(5) Within 30 days of the date of approval of the special exception, the Owner shall install, maintain, and replace if necessary, a ficus hedge in the back storage area at a minimum installation height of 48" with anticipated growth to 6 feet within 24 months, failing which the Town's Community Development Director can require a equivalent replacement planting, and The Owner shall provide for seven (7) customer and employee parking spaces on-site.

(6) The terms and conditions of this Resolution are enforceable by code enforcement action or other legal and equitable remedies available to the Town.

(7) The special exception use granted hereby may not be expanded without obtaining an additional special exception approval.

(8) In the designated auto display area, the Owner may park four (4) cars for sale or two (2) cars and one (1) limo for display only in the southwest corner of the premises as depicted on the site plan attached hereto as Exhibit "A".

PLANNING AND ZONING BOARD RECOMMENDATION: The Planning and Zoning Board voted 3-2 to forward the request for a special exception petition to

the Town Commission with a ***recommendation of APPROVAL*** with the following conditions:

- (1) Applicant maintain the hedges at a height of 30 inches along the front parking and display area and 6 feet along the back storage area for the perimeter landscaping as indicated on the site plan, and
- (2) Provide a fire alarm system subject to inspection and approval by Palm Beach County Fire Rescue, and
- (3) Provide for a Ficus hedge in the back storage area to be installed at 48" and grow to 6 feet within 24 months, and
- (4) Provide for seven (7) customer and employee parking spaces.
- (5) In the designated auto display area to allow four (4) cars for sale or two (2) cars and one (1) limo display to be restricted to the southwest display area.

RESOLUTION NO. 66-09-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING THE APPLICATION OF THE PROPERTY OWNER, JULIUS AUTOMOTIVE GROUP, INC., SUBMITTED BY THE SEMINOLE BAY LAND COMPANY, AS THE AGENT FOR THE PROPERTY OWNER, FOR A SPECIAL EXCEPTION FOR A 3,744 SQUARE FOOT AUTOMOBILE SALES AND REPAIR SERVICE USE, TO BE LOCATED AT 900 OLD DIXIE HIGHWAY IN THE C-4 COMMERCIAL ZONING DISTRICT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on August 6, 2007 the Town of Lake Park ("Town") Planning and Zoning Board reviewed and considered the special exception application ("Application") of the property owner, Julius Automotive Group, Inc., ("Owner"), submitted by the Seminole Bay Land Company, as the agent and applicant ("Applicant") for the Owner, for a Special Exception for a automobile sales and repair service use in the C-4 commercial zoning district, located at located at 900 Old Dixie Highway; and

WHEREAS, after consideration of the Application at their public hearing, the Planning and Zoning Board voted to recommend approval of the Special Exception with conditions, and the Application has been forwarded to the Town Commission for final consideration at a quasi-judicial hearing; and

WHEREAS, the Town Commission has heard this matter in public session, and has considered the presentation of sworn testimony by the Applicant, the Owner, Town staff and other witnesses, has received other evidence presented by the Applicant, the Owner, and interested members of the public, has received and considered the recommendations of the Town staff and the Planning and Zoning Board, and has otherwise been fully informed regarding this matter.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AS FOLLOWS:

Section 1. The Town Commission having received and considered the Application for a Special Exception for a automobile sales and repair service use in the C-4 commercial zoning district, located at 900 Old Dixie Highway in the Town, and the same having been heard in Regular Session on September 12, 2007, and having been otherwise fully apprised of the premises herein, the Town Commission hereby approves the Special Exception, subject to the following conditions:

(1) The Owner shall maintain the hedges at a height of thirty (30) inches along the front parking and display area and six (6) feet along the back storage area for the perimeter landscaping as indicated on the site and landscape plan dated June 7, 2007; revised June 16, 2007; and received August 24, 2007 by the Lake Park Community Development Department; and prepared by Seminole Bay Land Company, a copy of which

is attached hereto as Exhibit "A"; and

(2) The Owner shall install and operate a fire alarm system in the building on the premises, which system shall be subject to the inspection and approval by Palm Beach County Fire Rescue, and

(3) The Owner shall install, maintain, and replace if necessary, a ficus hedge in the back storage area at a minimum installation height of 48" with anticipated growth to 6 feet within 24 months, failing which the Town's Community Development Director can require a equivalent replacement planting, and

(4) The Owner shall provide for seven (7) customer and employee parking spaces on-site.

(5) The terms and conditions of this Resolution are enforceable by code enforcement action or other legal and equitable remedies available to the Town.

(6) The special exception use granted hereby may not be expanded without obtaining an additional special exception approval.

(7) In the designated auto display area, the Owner may park four (4) cars for sale or two (2) cars and one (1) limo for display only in the southwest corner of the premises as depicted on the site plan attached hereto as Exhibit "A".

Section 2. This Resolution shall take effect immediately upon adoption.

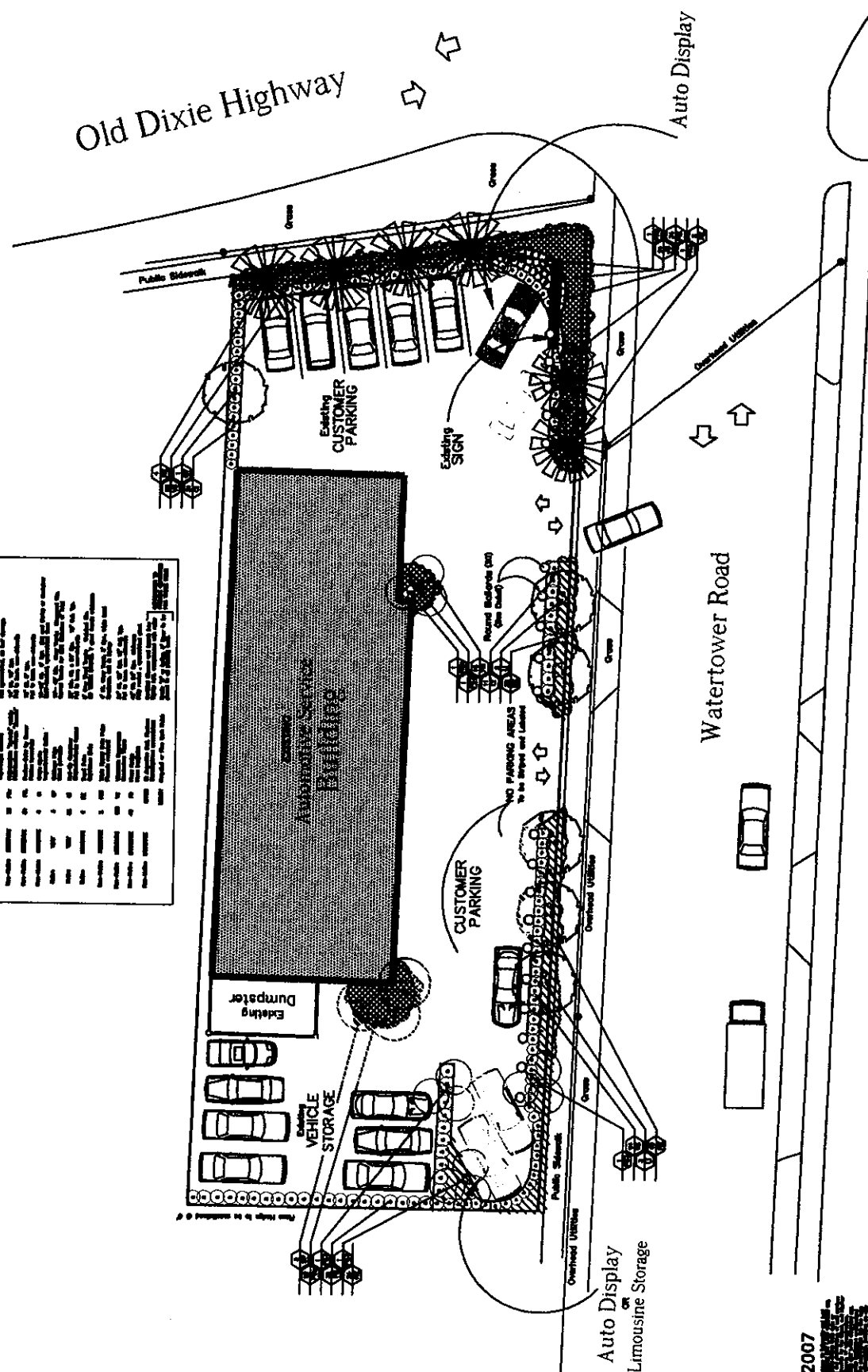
Exhibit A



Julius Automotive Landscape Plan 1"=10'-0"

Plant List

NO.	PLANT	QUANTITY	NOTES
1	10' TALL PALM	10	ALONG EXISTING DRIVEWAY
2	10' TALL PALM	10	ALONG EXISTING DRIVEWAY
3	10' TALL PALM	10	ALONG EXISTING DRIVEWAY
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98	10' TALL PALM	10	ALONG EXISTING DRIVEWAY
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100	10' TALL PALM	10	ALONG EXISTING DRIVEWAY





The Town of Lake Park

Community Development Department
Community

AUG 24 2007

APPLICATION FOR SPECIAL EXCEPTION REVIEW Town of Lake Park

Form 10-01-07 (Rev. 10-01-07)

Name of Applicant/Agent: David Keir dba Seminole Bay land Company, Inc (AGENT)

Address: 1704 North Dixie Hwy. Lake Worth, Florida 33406

Telephone: (561) 641-8981 Fax: (561) 493-3064

E-mail address: David@seminolebay.com

 Owner X Agent (Attach Agent Authorization Form)

Owner's name (if not applicant): Ernest D. Ganz III

Address: 900 Old Dixie Highway

Telephone: (561) 844-3020 Fax:

E-mail address: None

Property Location: 900 Old Dixie Highway, more specifically at the northwest corner of the intersection of Old Dixie Highway and Watertower Road

Legal Description: (See Attached)

Property Control Number: 36 - 43 - 42 - 20 - 00 - 000 - 3073

Future Land Use: Commercial Zoning: C-4

Acreage: 0.37 Acres Square Footage of Use: 3744 Sq. Ft.

Proposed Use: Automobile Service with ancillary Automobile sales

Zoning / Existing Use of Adjacent Properties:

North: C-4 - Office Warehouse

South: C-4 - Vacant

East: C-4 - Office Warehouse

West: C-4 - Service Business

APPLICATION REQUIREMENTS:

- (1) Please discuss how the special exception use is consistent with the goals, objectives, and policies of the Town's Comprehensive Plan.

See attached Justification Statement

- (2) Please discuss how the proposed special exception is consistent with the land development and zoning regulations and all other portions of the Town of Lake Park Code of Ordinances.

See attached Justification Statement

- (3) Please explain how the proposed special exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location; mass; height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property.

See attached Justification Statement

- (4) Please explain how the establishment of the proposed special exception use in the identified location does not create a concentration or proliferation of the same or similar type of special exception use, which may be deemed detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed.

See attached Justification Statement

- (5) Please explain how the special exception use does not have a detrimental impact on surrounding properties based on; (a) The number of persons

	b. 5,000--14,999 square feet	750.00	400.00
	c. Greater than 14,999 square feet	1,250.00	600.00
	d. Modification to previously approved special exception	550.00	300.00

NOTE: The above fees are subject to amendments.

- b. **Advertising costs:** The petitioner shall pay all costs of publication of public hearing notices required in a newspaper of general circulation within the Town. Payment shall be made to the Town within ten (10) days of the invoice. No hearing shall be held on a petition until publication costs to date have been paid.
- c. **Courtesy Notice Property Owners List.** A complete list of property owners and mailing addresses for all property owners within 500 feet of the subject parcel as recorded in the latest official tax role in the County Court House. Please provide three (3) sets of labels for property owners within 500 feet of the subject site for the mailing.
- d. **The applicant must place a 3'X3' sign on the property to be readily visible to vehicular and pedestrian traffic stating "THIS SITE IS BEING CONSIDERED FOR A CONDITIONAL USE – TOWN OF LAKE PARK".** The applicant shall remove that sign from the subject property within ten (10) days of the final action.
- e. **Location Map**
- f. **Provide a site plan drawn to scale indication the size of the subject buildings, the intended floor area ratios, the quantity of parking spaces proposed to be provided, the intended access road(s), the general type of construction in accordance with the Florida Building Code and the codes of the Town of Lake Park, and the availability and approximate location of utilities.**
- g. **Provide a certified boundary survey by a surveyor registered in the State of Florida at a scale of not less than one inch equals two hundred feet (1" = 200') containing the following:**
 - i. **An accurate legal description of the property.**
 - ii. **A computation of the total acreage of the parcel.**

DOCUMENTS:

- 1. **Authority.** A statement of the applicant's interest in the property and:

- a. If joint and several ownerships, a written consent to petition by all owners of record, or
 - b. If a contract purchase, written consent of the seller/owner, or
 - c. If authorized agent, a copy of the Agency Agreement or written consent of the owner(s), or
 - d. If a lessee, a copy of the lease agreement and written consent of the owner(s), or
 - e. If a corporation, partnership, or other business entity, the name of the officer or person responsible for the application and written proof that said representative has authority to represent the corporation, partnership, or business entity, or in lieu thereof, written proof that he/she is in fact an officer of the corporation.
 - f. If a group of contiguous property owners, all the owners of the property described in the petition must provide written consent.
2. A warranty deed with an affidavit from the applicant that the deed represents the current ownership.

REPORTS:

1. A traffic impact analysis, if required by the Town Engineer or staff, on the project generated traffic impact on the external street network serving the site.

For the final review, ten (10) complete sets of all final required documents, after approval of all other governing agencies, must be submitted.



Julius Automotive



Request for Granting of a Special Exception Justification Statement

This application for a Special Exception to allow the sale and rental of automobiles at the existing Julius Automotive automobile repair facility presents the following justifications for approval.

(1) The proposed Special Exception is consistent with the goals, objectives and policies of the Town's Comprehensive Plan:

The proposed sale and rental of automobiles (limosines) is consistent with the Town Comprehensive Plan's goals, objectives and policies in that its location and operations will not have any detrimental effect upon soils and minerals, flooding, historic resources, housing or capital improvement considerations of the Town of Lake Park.

Additionally, as an existing special exception- permitted use, the proposed new uses do not represent any additional impact or reduction of permeable ground, in fact the proposed improvements will increase the amount of pervious land and landscaping, therefore enhancing the site and any considerations in the area of conservation, open space and soils.

The proposed use is ancillary and complementary to the existing automobile service uses of the property and as such will not provide additional traffic upon existing road systems or result in the need for additional public facilities or services from the Town of Lake Park.

The location of the Julius Automotive property is upon an existing geographic ridge/inland dune system and its location precludes any opportunities for flooding.

The existing location at the northwest corner of Old Dixie Highway and Watertower Road is logical for the limited automobile sales and rental operations proposed by the Applicant in that it is in proximity to existing auto sales along Northlake Boulevard and other similar uses immediately surrounding the property along Old Dixie Highway and Watertower Road.

The project utilizes exiting roadway systems that are currently serving heavy commercial and industrial uses in the adjacent CLICC (Campus Light Industrial Zoning District) and adequate water, sewer and stormwater utilities already exist in place.

The proposed use has no effect upon the Recreational/Open Space, Intergovernmental or Land Use provisions of the Comprehensive Plan

(2) The proposed Special Exception is consistent with the lands development and zoning regulations and all other portions of the Town of Lake Park Code of Ordinances:

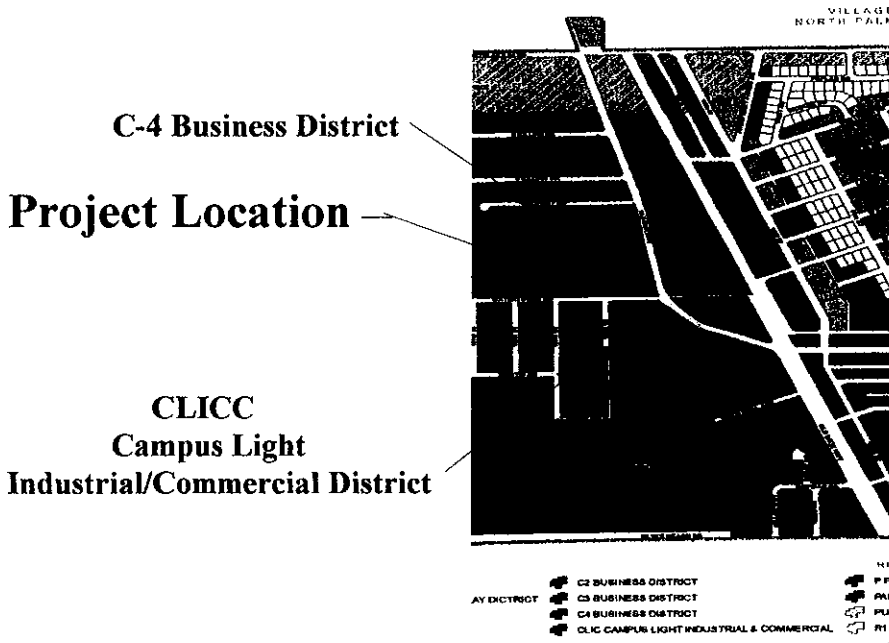
Section 78-74. C-4 Business District of the Zoning Code allows for the permitted approval of appliance sales and service, electronic sales and service and furniture sales. Special exception uses are permitted for boats, sales and service, chemical storage and sales, machinery manufacturing and sales, millwork manufacturing and sales, mobile home storage, service and sales and monument sales.

Each of the above storage, manufacturing and sales operations are of a similar or more intensive nature than the proposed use requested by the Applicant. Additionally, the applicant is voluntarily proposing limits and conditions of approval to this request for a Special Exception.

Under Section 78-74.C-4 (4) Other Uses, the Code allows for the permitting of a Special Exception for ***“other uses of the same general character as those listed above deemed appropriate by the town commission on an individual basis,”*** We respectfully submit that this limited sales and rental can meet this criteria.

Additionally, the site’s location, surrounded by CLICC zoning on two sides, presents a compelling case for an extension of the CLICC zoning district to include this property and as such, the proposed uses would be permitted by right. This furthers the argument that the use is of a similar general character as stated in the above provision fo the Zoning Code.

All other portions of the zoning code are met or exceeded, as is appropriate or possible for an existing non-conforming property.



(3) The proposed Special Exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location; mass; height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property.

The following properties and uses exist surrounding the subject property:



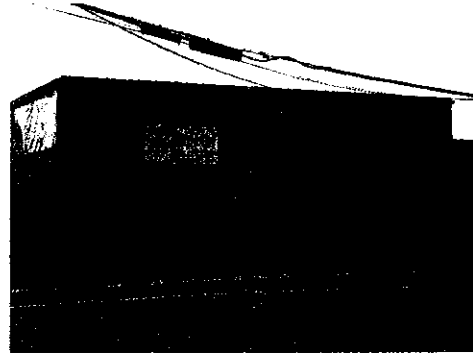
Service Warehouse to West



Drapery Shop to West



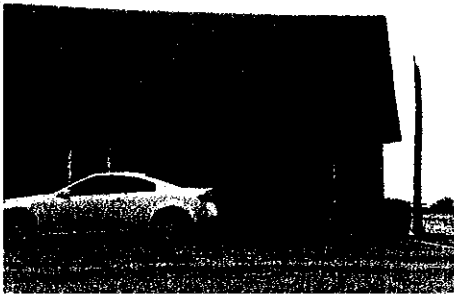
Ed Morse Body Shop to West



Warehouse to North



Manufacturing/Service Center to East Garage Door Service/Supply to Northeast



Auto Glass to North



Transmission Shop to Northeast



Concrete Plant to South



Price Auto Body Shop



Price Body - 2nd Bldg.



Industrial Repair to Southeast



Bev Smith Auto Sales to North



Maaco Body Shop to South

The subject property is surrounded by various “semi-industrial” uses located both within the C-4 Business District and the adjacent CLICC Campus Light Industrial & Commercial District. A significant number of these surrounding businesses are automobile related or industrial in nature. These businesses generally operate between the hours of 7:00 AM to 5:00 PM. And produce traffic in the form of business owned service vehicles, customer vehicles, and vehicles to be serviced. The Applicant’s business presently produces similar traffic and will continue to produce the same with the proposed new operations.

The building location on the subject property is similarly placed in relation to streets and adjacent buildings as are other buildings in the immediate area. The height is limited to one story as are most of the surrounding buildings. This project provides substantially more landscape screening than others in the immediate vicinity and proposes additionally landscaping as a condition of approval for this Special Exception.

The establishment of the proposed Special Exception Use in the identified location does not create a concentration or proliferation of the same or similar type of Special Exception Use, which may be deemed detrimental to the development or redevelopment of the area in which the Special Exception Use is proposed.

The present use of the property is automobile repair and service related to the mechanical aspects of a vehicle. The majority of surrounding businesses are in the automobile “cosmetic/repair” business, such as body shops, painting, window tinting, etc. Only Bev Smith located to the North offers automobile sales and rental, but largely of new vehicles. This proposed Special Exception use will not duplicate surrounding operations but offer complementary automobile services and operations in an area which presently and in the future will continue to offer these types of businesses.

The location of substantial new housing facilities to the west of this area, along Congress Avenue, provides a continuing future client base for the automobile services of this property and others in this area. Additionally, the location of these businesses in close proximity to the railroad lines and the industrially zoned land to the north appears to be highly compatible.

The Special Exception Use for this property does not have a detrimental effect on surrounding properties based on; (a) The number of persons anticipated to be using, residing or working on the property as a result of the Special Exception Use; (b) The degree of noise, odor, visual, or other potential nuisance factors generated by the Special Exception Use; and (c) The effect on the amount and flow of traffic within the vicinity of the proposed Special Exception Use.

The number of persons working on the property will not be increased as a result of granting this Special Exception Use. Existing sales and service personnel will handle the vehicle (limousine) rental operations as well as any automobile sales. There will be no persons residing on the

property and it is not anticipated that there will be significant additional customer traffic related to automobile sales, as these will be limited and traditionally, limousine services are conducted by telephone with customers being serviced off-site.

The degree of noise, odor or other potential nuisance factors will not be increased by granting of the Special Exception Use but, in fact, reduced. It is part of the Applicant's proposal to increase project landscape screening of external and internal work/service areas. A Site Plan, as well as Landscape Plan has been provided to document this commitment.

The Special Exception Use meets the following requirements; a) does not significantly reduce light and air to adjacent properties; b) Does not adversely affect property values in adjacent areas; (c) Would not be a deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations; (d) Does not negatively impact adjacent natural systems or public facilities, including parks and open spaces; and (e) Provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

The proposed Special Exception Use does not include any additional construction of buildings or facilities which would block light or air movement beyond that which already exists on and adjacent to the property. The proposed landscaping will produce shade which will benefit the applicant's property while not obscuring any adjacent signage or views that would aid in site, traffic and pedestrian safety. (See exhibit of Watertown Road and Old Dixie Hwy. Intersection)

The proposed landscape improvements will be a positive addition to the area and provide a catalyst for redevelopment and aesthetic improvement of adjacent properties. The location at an important intersection will display the commitment of the applicant and the community in revitalizing this area.

The redevelopment of this property as a Special Exception Use will not negatively impact any natural systems or public facilities, such as parks or open spaces, but will, in fact, increase open space through the removal of asphalt paving and new landscaping. No public spaces or facilities exist on or adjacent to this property. No public parks exist within a mile of this property.

The granting of the Special Exception Use will result in additional pedestrian amenities being provided by the applicant including the installation of outdoor benches and bicycle racks adjacent to the building.

TAB 16

Town of Lake Park Town Commission Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No. _____

- | | |
|---|---|
| <input checked="" type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> ORDINANCE ON FIRST READING
<input type="checkbox"/> BID/RFP Award
<input type="checkbox"/> GENERAL APPROVAL OF ITEM
<input type="checkbox"/> Other: _____ | <input checked="" type="checkbox"/> RESOLUTION
<input type="checkbox"/> ORDINANCE ON SECOND READING
<input type="checkbox"/> DISCUSSION
<input type="checkbox"/> CONSENT AGENDA |
|---|---|

SUBJECT: 501(c)(3) Non-Profit

RECOMMENDED MOTION/ACTION: Approve

Approved by Town Manager _____

W. Davis

Date: _____

8/30/07

Virginia Martin, Grants Writer
Name/Title

September 12, 2007
Date of Actual Submittal

Originating Department: <div style="text-align: center;">Grants</div>	Costs: \$ 87.50 Funding Source: Non-Dept'l Contingency Acct. # _____	Attachments: Resolution Cover Letter Articles of Incorporation Bylaws
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input checked="" type="checkbox"/> Grants <i>gm</i> <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda. <div style="text-align: right;"> Yes I have notified everyone _____ OR Not applicable in this case <i>gm</i>: Please initial one. </div>	

Summary Explanation/Background:

The Town Commission has some projects, programs and activities that have not been implemented because of budgetary constraints. Private funding is one way of accomplishing these objectives, but the Town is generally precluded from applying for grants from private foundations, and its abilities to garner sponsorships and support from private corporations is limited.

By forming an independent non-profit 501(c)(3) organization that is eligible to apply for funds from private foundations, some major municipal objectives such as the building of a community center, more funding for youth programs, sponsoring sporting and recreational events, funding senior programs and services, conducting arts and cultural activities, etc. can be accomplished. This vehicle will also allow private corporations, businesses, and individuals to get full tax deductions for their contributions to community projects and events. The CDC will be self-sufficient, not dependent on funding from the municipality.

Other communities in Palm Beach County that have Community Development Corporations are:

- Boynton Beach CDC
- Delray Beach CDC
- Lake Worth CDC
- Limestone Creek CDC (this group's operations were actually funded by the MacArthur Foundation for a period of time, they worked closely with The Conservation Fund on their community development strategies – sustainable development/smart growth)
- Northwest Riviera Beach CRC (Community Redevelopment Corporation)
- Northwood Business Development Corporation
- TED Center in Delray Beach

Most are into housing in some form, all are into economic development and community improvement. We are just heading ours off into a slightly different direction, but it can encompass these things as well. TED runs the South County business incubator and gets an \$80,000 from the County every year toward operations, they also do housing and financial literacy training (assets for independence project).

It is recommended that the Commissioners:

1. Authorize the Town Manager to sign the Articles of Incorporation for the Lake Park Community Development Corporation, Inc.
2. Appoint three (3) persons to serve as the first Officers and Members of the Board of Directors;
 - a. 1 person to serve for a 1 year term;
 - b. 1 person to serve for a 2 year term; and
 - c. 1 person to serve for a 3 year term.
 - d. Officers shall be President, Vice President, and Secretary/Treasurer, respectively.
3. Appoint one additional person for a three year term to serve as a representative of the Town Commission.

RESOLUTION NO. 59-08-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE TOWN MANAGER TO SIGN AND SUBMIT THE ARTICLES OF INCORPORATION FOR THE LAKE PARK COMMUNITY DEVELOPMENT CORPORATION, INC. FOR THE PURPOSE OF APPLYING FOR FUNDING FOR COMMUNITY DEVELOPMENT PROJECTS, PROGRAMS AND ACTIVITIES.

WHEREAS, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission desires to expand the community's ability to attract private funding for economic, educational, social, cultural, and recreational projects, programs, and activities for the benefit of the citizens and their families; and

WHEREAS, the Town is ineligible to apply for funding from private foundations to support these efforts; and

WHEREAS, a non-profit corporation recognized by the Internal Revenue Service is eligible to solicit funding from private foundations; and

WHEREAS, a non-profit 501(c)(3) corporation is able to offer corporations and individuals a Federal Tax deduction in return for their financial support of eligible projects, programs, and activities.

NOW, THEREFORE, BE IT RESOLVED by the Town Commission of the Town of Lake Park, Florida:

SECTION 1. The Town Commission has determined that it is in the best interests of the citizens of the Town to facilitate the formation of a Community Development Corporation.

SECTION 2. The Community Development Corporation will be self-sufficient, independent, and will not require funding from the Town of Lake Park.

SECTION 3. The Town Manager is hereby authorized and directed to sign the incorporation documents to initiate the formation of the Lake Park Community Development Corporation, Inc.

SECTION 4. The Town Commission shall name three (3) individuals to serve on the Board of Directors as required by the State of Florida to incorporate.

SECTION 5. The Town Commission shall name one (1) individual to represent the Town Commission on the Board of Directors of the Lake Park Community Development Corporation.

SECTION 6. This Resolution shall take effect immediately upon its adoption.

Office of the Town Manager



NATIONAL HISTORIC SITE

"Jewel" of the Palm Beaches

SUBJECT: Lake Park Community Development Corporation, Inc.
(PROPOSED CORPORATE NAME – MUST INCLUDE SUFFIX)

<input type="checkbox"/> \$70.00	<input type="checkbox"/> \$78.75
Filing Fee	Filing Fee & Certificate of Status

<input type="checkbox"/> \$78.75	<input checked="" type="checkbox"/> \$87.50
Filing Fee	Filing Fee,
& Certified Copy	Certified Copy
	& Certificate

ADDITIONAL COPY REQUIRED

NOTE: Please provide the original and one copy of the articles.

Articles of Incorporation

of the

Lake Park Community Development Corporation, Inc.

Article of Incorporation of the undersigned, a majority of whom are citizens of the United States, desiring to form a Non-Profit Corporation under the Non-Profit Corporation Law of the State of Florida, do hereby certify:

ARTICLE I **NAME OF CORPORATION**

The name of the Corporation shall be the Lake Park Community Development Corporation, Inc.

ARTICLE II **PRINCIPAL OFFICE**

The place in this state where the principal office of the Corporation is to be located is 535 Park Avenue, Lake Park, Florida, Palm Beach County.

ARTICLE III **PURPOSE**

The Lake Park Community Development Corporation, Inc. is organized exclusively for charitable purposes, and for the benefit of the Citizens of Lake Park within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), or the corresponding provision of any future United States Internal Revenue Law. The term *charitable* is used in its generally accepted legal sense and includes:

- ♦ relief of the poor, the distressed, or the underprivileged;
- ♦ advancement of education;
- ♦ erecting, operating or maintaining public buildings, monuments, or works; lessening the burdens of government; and
- ♦ combating community deterioration and juvenile delinquency.

Without in any way limiting the foregoing general purposes, the specific purposes of the Corporation are to:

- (a) Engage the citizens of Lake Park in the planning, design and development of a multi-purpose community center;
- (b) Arrange for the financing of a multi-purpose community center for the benefit of the Citizens of Lake Park;
- (c) Operate the community center for the benefit of the Citizens of Lake Park;

- (d) Nurture the growth and development of small business enterprise in Lake Park as a means to enable people to achieve their income and employment objectives, and in so doing, promote the diversification and expansion of the local economy;
- (e) Stimulate and foster the growth of leadership skills as a means to encourage active civic participation in the governance and development of the community.

Except as limited by the Corporation's Bylaws and these Articles of Incorporation, the Corporation will have and exercise all rights and powers in furtherance of its purposes as now or may hereafter be conferred on not-for-profit corporations pursuant to Florida Statutes, and in accordance with other applicable law.

ARTICLE IV DISTRIBUTION OF EARNINGS

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article Third hereof. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

ARTICLE V DISSOLUTION

Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a Court of Competent Jurisdiction of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE VI DIRECTORS

The business of the Corporation shall be conducted by a Board of Directors as specified in the Corporation's Bylaws of the Corporation. The manner in which the directors are elected shall be in accordance with the Bylaws of the Corporation. The first Board of Directors will be appointed by the Commissioners of the Town of Lake Park, Florida. Afterwards, the Directors will be elected by the members of the Board of Directors for rotating 3 year terms

ARTICLE VII OFFICERS

The affairs of the Corporation shall be managed by a Chairman, Vice-Chairman, Secretary and Treasurer and such other officers as may be authorized by the Board of Directors. Said officers shall be elected as provided in the Bylaws of the Corporation.

The names and addresses of the persons who are the initial officers of the corporation are as follows:

Chairman, _____ Address _____

Vice-Chairman, _____ Address _____

Secretary/Treasurer, _____ Address _____

ARTICLE VIII INITIAL REGISTERED AGENT AND STREET ADDRESS

The name and Florida street address (P.O. Box NOT acceptable) of the registered agent is:

ARTICLE IX INCORPORATOR

The name and address of the Incorporator is:

ARTICLE X AMENDMENTS

These Articles of Incorporation may be amended at a regular or special meeting of the Board of Directors.

Having been named as registered agent to accept service of process for the above stated corporation at the place designated in this certificate, I am familiar with and accept the appointment as registered agent and agree to act in this capacity.

Signature/Registered Agent _____ Date _____

Signature/Incorporator _____ Date _____

BYLAWS

of the

Lake Park Community Development Corporation, Inc.

A Not-For-Profit Corporation

Section 1

OFFICES

- 1.1 Principal Offices. The principal office of the Lake Park Community Development Corporation, Inc. (the "Corporation") in the State of Florida shall be located at 535 Park Avenue, Lake Park, FL 33403.
- 1.2 Other Offices. The Corporation may have such other offices within the State of Florida as the Board of Directors may from time to time determine.

Section 2

PURPOSE

- 2.1 Statement of Purpose. The Lake Park Community Development Corporation, Inc. is organized exclusively for charitable purposes, and for the benefit of the Citizens of Lake Park within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), or the corresponding provision of any future United States Internal Revenue Law. The term *charitable* is used in its generally accepted legal sense and includes relief of the poor, the distressed, or the underprivileged; advancement of education; erecting, operating or maintaining public buildings, monuments, or works; lessening the burdens of government; and combating community deterioration and juvenile delinquency. Without in any way limiting the foregoing general purposes, the specific purposes of the Corporation are to:
 - (a) Engage the citizens of Lake Park in the planning, design and development of a multi-purpose community center;
 - (b) Arrange for the financing of a multi-purpose community center for the benefit of the Citizens of Lake Park;
 - (c) Operate the community center for the benefit of the Citizens of Lake Park;
 - (d) Nurture the growth and development of small business enterprise in Lake Park as a means to enable people to achieve their income and employment objectives, and in so doing, promote the diversification and expansion of the local economy;

- (e) Stimulate and foster the growth of leadership skills as a means to encourage active civic participation in the governance and development of the community.

Except as limited by the Corporation's Articles of Incorporation and these Bylaws, the Corporation shall have and exercise all rights and powers in furtherance of its purposes as now or may hereafter be conferred on not-for-profit corporations pursuant to Florida Statutes, the code, and in accordance with other applicable law.

2.2 Limitations on Activities

- (a) Distributions. No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to, any Director or Officer of the Corporation or any other private individual, and no Director or Officer of the Corporation, or any other private individual, shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation; provided, however, that the Corporation may confer benefits in the form of distributions, in dissolution or otherwise, in the manner set forth in Section 2.2 (d) of these Bylaws.
- (b) Compliance with Code. Notwithstanding any other provision of these bylaws, the Corporation shall not conduct or carry on any activities not permitted to be conducted or carried on by an organization exempt from taxation under section 501(c)(3) of the Code or by an organization contributions to which are deductible under Section 170 (c)(2) of the Code. The Corporation shall not engage in investments or conduct other activities that would cause the Corporation to become a private foundation, as such term is defined in Section 509 of the Code.
- (c) Contributions. The Corporation shall not accept contributions from any entity or person in an amount or of a type which would cause the Corporation to become a private foundation, as such term is defined in section 509 of the Code. The Corporation shall spend each and every contribution, gift, or fee received by the Corporation for the purposes as set forth in Section 2.1 before January 1 of the fifth calendar year which begins after the date such contribution is made or otherwise in accordance with Section 170(b)(1)(A)(vi) of the Code.
- (d) Dissolution. Upon the dissolution of the Corporation, after paying or making provisions for the payment of all the liabilities of the Corporation out of assets thereof, the Board of Directors shall distribute all residual assets of the Corporation to such organization or organizations established and operated exclusively for charitable, educational, literary, or scientific purposes which, at the time of such disposition, qualify as an exempt organization or organizations under Section 501(c)(3) of the Code or

corresponding sections of any prior or future Code, or to the federal, state, or local government exclusively for public purposes. Any assets not so disposed of shall be disposed of by a court of competent jurisdiction exclusively for such charitable purposes, or to such organization or organizations established and operated exclusively for such charitable purposes, as such court determines.

Section 3

DIRECTORS

- 3.1 **Number.** Directors shall be elected by the Board of Directors. The authorized number of Directors of the Corporation shall be set from time to time by resolution of the Board of Directors; provided that the number shall not be less than five (5), one of whom shall be a representative of the Town Commission. The composition of the Board of Directors shall, to the extent possible reflect the diversity of the Town of Lake Park. One Director shall
- 3.2 **Term of Office.** The initial Board of Directors shall be appointed by the Lake Park Commission and shall hold office until their terms expire and their successors in office are elected and qualified. Regarding the composition of the first Board of Directors, one-third (1/3) shall be appointed for one year; one third (1/3) for two years; and one-third (1/3) for three years. Thereafter, the term of office of each Director shall be three (3) years following his/her election and until the qualification of his/her successor in office.
- 3.3 **General Power.** Except as otherwise provided in the Articles of Incorporation or by law, the powers of the Corporation shall be exercised, its properties controlled and its affairs conducted by the Board of Directors, which may, however delegate the performance of any duties or the exercise of any powers to such Officers and agents as the Board of Directors may designate from time to time by resolution.
- 3.4 **Officers of the Board of Directors.** The officers of the Board of Directors shall be a Chairman, Vice Chairman, Secretary, and Treasurer, all of whom shall be elected annually by the Board of Directors at their annual meeting.
- 3.5 **Duties of Officers of the Board of Directors.**
- (a) **Chairman.** The Chairman of the Board shall preside at all meetings of the Board of Directors and shall have the powers and perform the duties usually pertaining to such office, including the power to appoint committee members and to designate a chairman of each committee in accordance with Section 5.4, and shall have such other powers and perform such other duties as may be from time to time prescribed by the Board of Directors.

- (b) Vice Chairman. The Vice Chairman shall, in the absence of the Chairman, perform the duties and exercise the powers of the Chairman. In addition, the Vice Chairman shall have such powers and perform such duties as may be prescribed from time to time by the Chairman of the Board, or by the Board of Directors.
- (c) Secretary. The Secretary of the Corporation shall keep minutes of meetings of the Board of Directors in a book provided for that purpose, see that notices are duly given in accordance with these Bylaws, be custodian of fund records and the Seal of the Corporation, see that the Seal of the Corporation is properly affixed to all documents, the execution of which on behalf of the Corporation is duly authorized, keep a register of names and addresses of all members, and in general perform all duties incident to the Office of Secretary and such other duties as may be assigned to the Secretary from time to time by the Chairman of the Board, or by the Board of Directors.
- (d) Treasurer. The treasurer shall monitor staff's handling of, and be responsible for, all funds and securities of the Corporation, regularly review receipts for moneys due and payable to the Corporation from any source whatsoever, review deposits of all Moneys in the name of the Corporation in such banks and depositories as are selected by the Board of Directors, and in general perform all duties incident to the Office of Treasurer and such other duties as may be assigned to the Treasurer from time to time by the Chairman of the Board, or by the Board of Directors.
- (e) Executive Director. The Executive Director shall be the chief executive officer of the Corporation and , subject to the Board of Directors, the Executive Director shall supervise and control the business affairs of the Corporation. The Executive Director shall serve as an Ex-Officio member of all Corporate Committees, and of the Board of Directors. The Executive Director shall perform all duties incident to the office, and such other duties as may from time to time be prescribed by the Board of Directors. The Executive Director shall present a report on the State of the Corporation at the Annual Meeting of the Corporation.
- (f) Other Officers. Any other officer designated and elected by the Board of Directors, shall perform such duties as may be assigned to them by the Board of Directors.
- (g) Delegation. The Board of Directors may delegate temporarily, the powers and duties of any Officer, in case of such Officer's absence or for any other reason, to any other Officer, and may authorize the delegation by any Officer of any of such Officer's powers and duties to any agent or employee of the Corporation subject to the general supervision of such

Officer.

- 3.6 Resignations and Removal. Any Director may resign from the Board of Directors at any time by giving written notice to the Chairman or the Secretary and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. Any Director may be removed at any time with or without cause, by a majority vote of a quorum of the Board of Directors.
- 3.7 Meeting Attendance. Any Director who is absent for three (3) consecutive regularly scheduled meetings without excuse acceptable to the Board of Directors shall be considered to be removed from office without further action by the Board. Notification of such removal shall be provided by the Secretary of the Corporation within thirty (30) days following the third unexcused absence.
- 3.8 Vacancies. Any vacancy occurring in the Board of Directors shall be filled by a majority vote of a quorum of the Board of Directors. A Director appointed to fill a vacancy shall be elected for the unexpired term of such Director's predecessor in office.
- 3.9 Compensation. Directors shall not receive any compensation or Director Fees for their services.
- 3.10 Procedure. The Board of Directors may adopt its own rules of procedure governing the conduct of its meetings.

Section 4

MEETINGS

- 4.1 Regular Meetings. An annual meeting of the Board of Directors shall be held each year for the purpose of electing Directors and Officers of the Corporation, and for the transaction of such other business as may come before such Board of Directors meeting. The Board of Directors shall hold regular monthly meetings, and such additional meetings as determined by the Board of Directors. The Board of Directors shall, by resolution, prescribe the time and place for the holding of the regular meetings and may provide that the adoption of such resolution shall constitute notice of such regular meetings.
- 4.2 Special Meetings. Special meetings of the Board of Directors may be called by or at the direction of the Chairman, the Executive Director, or the written request of one-third (1/3) of the Directors, such meetings to be held at such time and place as shall be designated in the notice thereof, provided that the place of the meeting shall be in the State of Florida.
- 4.3 Notice. Except as otherwise provided herein, notice of the time and place of any

regular or special meeting of the Board of Directors shall be in writing (letter, fax, or email) or by telephone, provided that the giving of any oral notice shall be recorded in the minutes of the meeting by statement of the Officer, Director, or employee giving such notice. Any member of the Board of Directors may waive notice of any meeting. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a member of the Board of Directors attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully noticed, called, or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board of Directors need be specified in the waiver of notice of such meeting.

4.4 Quorum. A majority of the Directors of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board of Directors. Attendance shall be either in person or by telephone or video phone connection whereby the distant member(s) and those members present in person all hear, may speak to, and be heard on the matters raised therein. If less than a majority of Directors of the Board of Directors is present at any meeting, a majority of the Directors present may adjourn the meeting without further notice, until a quorum is present.

4.5 Manner of Acting.

- (a) Formal Action by the Board of Directors. The act of the majority of members of the Board of Directors present at a meeting at which a quorum is present shall be the act of the entire Board of Directors, unless the act of a greater number is required by statute, the Articles of Incorporation, or these Bylaws.
- (b) Informal Action by the Board of Directors. No action of the Board of Directors shall be valid unless taken at a meeting at which a quorum is present. However, any action may be taken without a meeting if consent in writing (setting forth the action so taken) is signed by all Members of the Board of Directors.

Section 5

COMMITTEES

5.1 Designation. The Board of Directors may, from time to time, designate committees for the Corporation including, but not limited to, the following:

- (a) Executive Committee;
- (b) Finance Committee;

- (c) Human Resource Committee;
- (d) Long Range Planning Committee;
- (e) Nominating Committee; and
- (f) Public Outreach & Information Committee.

Additional committees that are designated by the Board of Directors pursuant hereto shall discharge such responsibilities as may be assigned to them by the authority establishing such committees.

5.2 Duties of Committees. The responsibilities of each committee shall be as follows:

- (a) Executive Committee. The Executive Committee shall exercise, when the Board of Directors is not in session and prudent management requires prompt action, all of the authority of the Board of Directors in the management of the Corporation, except as such authority may be limited by resolution of the Board of Directors. The Executive Committee shall include the Chairman of the Board, Vice Chairman, Secretary, Treasurer, and the Executive Director (Ex-Officio) among its members. All members of the Executive Committee must be members of the Board of Directors. This committee shall meet once each month, two weeks prior to the Board meeting, to determine the agenda and delineate business to be transacted at the Board Meeting.
- (b) Finance Committee. The Finance Committee shall regularly review the books and financial records of the account of the Corporation and consult with the Corporation's independent certified public accountant(s) and employee(s) concerning the annual audit and such books and records.
- (c) Human Resource Committee. The Human Resource Committee shall provide a job description, define the position responsibilities, and determine education/experience requirements for each employee position with the Corporation. This committee shall establish a policies and procedures manual for use by the employees that defines hours and days of operation, vacation policies, Holiday Schedule, sick leave, personal leave, job performance standards, performance review schedules and methods, compensation levels, and general operating policies for the employees of the Corporation, subject to approval by the Board of Directors.
- (d) Long Range Planning Committee. The Long Range Planning Committee shall be responsible for monitoring and suggesting periodic revisions to the business plan of the Corporation, and recommending to the Board

ways in which the stated goals shall be met. This committee shall be responsible for recommending to the Board when it would be prudent to substantially revise the course of action stated in the business plan through a full Board Retreat or similar action which would allow close examination of the Corporation's direction.

- (e) Nominating Committee. The Nominating Committee shall consider and nominate individuals for election as Directors, and annually nominate a slate of Officers for the Corporation.
- (f) Public Information and Outreach Committee. The Public Information and Outreach Committee shall foster and maintain good working relationships with governmental, commercial, and academic organizations as well as coordinate the Corporation's general outreach efforts through the Chambers, media, community organizations, tenant associations, and the Churches.

5.3 Powers. Except with respect to the Executive Committee, or where a committee is specifically delegated authority to act when the Board of Directors is not in session, all of the committees described above shall serve in an advisory capacity to the Board of Directors regarding those aspects of the business and affairs of the Corporation to which they have been delegated responsibility. A committee shall have, and may exercise, all the authority granted to it by the authority establishing such committee, except that no committee shall have the authority to:

- (a) Approve any actions or proposals required by law or the Articles of Incorporation to be approved by the Board of Directors;
- (b) Fill vacancies on the Board of Directors or in any committee;
- (c) Adopt, amend, or repeal these Bylaws;
- (d) Amend or repeal any resolution of the Board of Directors;
- (e) Act on matters designated by these Bylaws or by Board resolution to the Board of Directors or to another committee; or
- (f) Commit organizational assets or resources of any sort without the approval of the Board of Directors at a duly constituted Board Meeting.

5.4 Appointment of Committee Members. As deemed necessary or appropriate, the Chairman may appoint committee members, who may or may not be Directors, and shall designate a chairman of each committee; provided, however, that each committee shall include not less than two members, at least half of which shall be a Director of the Corporation.

- 5.5 Tenure of Committee Members. The members of each committee shall take office on the day of their appointment and hold office until the next annual meeting or until their successors have been appointed or until their earlier resignation, removal from office or death, or until the committee has been dissolved.
- 5.6 Removal of Committee Members. Any committee member may be removed from office at any time, with or without cause, by formal action of the Board of Directors.
- 5.7 Resignation of Committee Members. Any committee member may resign from a Committee at any time by giving written notice to the Chairman or the Secretary and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.
- 5.8 Vacancies. Any vacancy occurring in the membership of a committee and any membership thereon to be filled by reason of increase in the number of members of a committee shall be filled by the Chairman of the Board.
- 5.9 Compensation. Committee members shall not receive any compensation for their services as committee members.
- 5.10 Meetings. Meetings of any committee may be called at any time by:
- (a) The Chairman of the committee;
 - (b) Any two committee members;
 - (c) The Chairman of the Board of Directors; or
 - (d) The Executive Director.
- 5.11 Place of Meetings. Committee meetings shall be held at the principal place of business of the Corporation or at such other place as the chairman of the committee may from time to time designate and provide for in the notice of the meeting
- 5.12 Notice of Meetings. Notice of the time and place of regular or special committee meetings shall be in writing or by telephone, provided that the giving of any oral notice shall be recorded in the minutes of the committee meeting by statement of the person giving such notice. Any member of the committee may waive notice of any committee meeting. The attendance of a member of the committee at any committee meeting shall constitute a waiver of notice of such meeting, except where a member of the committee attends a committee meeting for the express

purpose of objecting to the transaction of any business on the ground that the committee meeting is not lawfully called or convened. Except as otherwise specified in these Bylaws, neither the business to be transacted at, nor the purpose of, any regular or special committee meeting need be specified in the notice or waiver of notice of such meeting.

- 5.13 Adjourned Meeting. A majority of the committee members present, whether or not a quorum exists, may adjourn any meeting of a committee to another time and place. Notice of any such adjourned meeting shall be given to all committee members, whether or not present at the time of the adjournment.
- 5.14 Quorum. A majority of the number of members of a committee shall constitute a quorum for the transaction of business at any committee meeting. Attendance shall be either in person or by phone whereby the distant committee member(s) and those committee members present in person all hear and may speak to and be heard on the matters raised therein.
- 5.15 Action of Committees. Any action required or which may be taken by a committee pursuant hereto shall be taken and considered the act of the committee only if:
- (a) Formal action is taken at a meeting of the committee at which a quorum is present, whether in person or by telephone, pursuant to a vote of a majority of the committee members so present, or
 - (b) Informal action is taken without a meeting if a consent in writing (setting forth the action to be taken) is signed by all the committee members.
- 5.16 Recordation of Actions. All actions of any committee shall be recorded in minutes, if taken during a meeting, or in an action by written consent, if taken without a meeting, and shall be made available, upon request, to any Director of the Corporation.
- 5.17 Procedure. The Committees may adopt their own rules of procedure which shall not be inconsistent with the Articles of Incorporation, these Bylaws, or applicable law.

Section 6

INDEMNIFICATION OF DIRECTORS, OFFICERS, AND OTHERS

- 6.1 Indemnification. The Corporation shall defend and indemnify any Director or

Officer made a party or threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding:

- (a) Whether civil, criminal, administrative, or investigative, other than an action, suit or proceeding by or in the right of the Corporation, by reason of the fact that such person is or was a Director or Officer of the Corporation or is or was serving as a director, officer, employee or agent of any other Corporation, partnership, joint venture, trust or other enterprise at the request of the Corporation, against judgments, fines, amounts paid in settlement and expenses, including attorneys' fees, actually and reasonably incurred as a result of such action, suit or proceeding or any appeal thereof, if such person acted in good faith and in a manner such person reasonably believed to be in, or not opposed to, the best interest of the Corporation, and in criminal actions or proceedings, without reasonable cause for belief that such conduct was unlawful. The termination of any such action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent shall not in itself create a presumption that any such Director or Officer did not act in good faith and in a manner which such person reasonably believed to be in, or not opposed to, the best interests of the Corporation or, with respect to any criminal action or proceeding, that such Director or Officer had reasonable cause to believe that such conduct was unlawful.
- (b) By or in the right of the Corporation to procure a judgment in its favor by reason of such person's being or having been a Director or Officer of the Corporation, or by reason of such person's serving or having served at the request of the Corporation as a Director, officer, employee or agent of any other Corporation, partnership, joint venture, trust or other enterprise, against any expenses, including attorneys' fees, actually and reasonably incurred by such person in connection with the defense or settlement of such action, or in connection with an appeal therein, if such person acted in good faith and in a manner such person reasonably believed to be in, or not opposed to, the best interests of the Corporation. Such person shall not be entitled to indemnification in relation to matters as to which such person has been adjudged to be liable for gross negligence or shallful or wanton misconduct in the performance of such person's duties to the Corporation unless, and only to the extent that, the court in which such action or suit was brought determines upon application that, despite the adjudication of liability, but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such court deems proper.

6.2 Authorization. Any indemnification under section 6.1, unless pursuant to a determination by a court, shall be made by the Corporation only as authorized in the specific case upon a determination that amounts for which a director or Officer seeks indemnification were properly incurred and that such Director or Officer acted in good faith and in a manner he or she reasonably believed to be in or not

opposed to the best interests of the Corporation, and that, with respect to any criminal action or proceeding, he or she had no reasonable ground for belief that such action was unlawful. Such determination shall be made by the Board of Directors by a majority vote of a quorum consisting of Directors who were not parties to such action, suit or proceeding.

- 6.3 Limitation. The foregoing rights of indemnification shall not be deemed to limit in any way the power of the Corporation to indemnify under any applicable law.

SECTION 7

MISCELLANEOUS

- 7.1 Contracts. The Board of Directors may authorize any Officer or agent of the Corporation, in addition to the Officers so authorized by these Bylaws, to enter into any contract or execute any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances.
- 7.2 Checks, Drafts, Etc. All checks, drafts or other orders for the payment of money, and all notes or other evidences of indebtedness issued in the name of the Corporation shall be signed by such Officer or Officers, agent or agents of the Corporation and in such manner as are from time to time determined by resolution of the Board of Directors.
- 7.3 Deposits. All funds of the Corporation shall be deposited in a timely manner to the credit of the Corporation in one or more such banks, trust companies, securities firms or other depositories as the Board of Directors from time to time designates, upon the terms and conditions fixed by the Board of Directors. The Board of Directors may from time to time authorize the opening and keeping, with any such depository as it designates, of general and special bank accounts or other forms of account and may make such special rules and regulations with respect thereto, not inconsistent with the provisions of these Bylaws, as it deems necessary.
- 7.4 Gifts. The Board of Directors may accept on behalf of the Corporation any contributions, gifts, bequests or devises for and consistent with the general purposes, or for and consistent with any specific purposes, of the Corporation.
- 7.5 Books and Records. The Corporation shall keep correct and complete books and records of account and shall also keep records of the actions of the Corporation, which records shall be open to inspection by members of the Board of Directors at any reasonable time.
- 7.6 Fiscal Year; Accounting Election. The fiscal year of the Corporation shall end on December 31, and methods of accounting for the Corporation shall be as the Board of Directors determines from time to time by resolution of the Board of

Directors.

- 7.7 Seal. The corporate seal of the Corporation shall be circular in form with the words "Lake Park Community Development Corporation, Inc. in the outer edge thereof.
- 7.8 Loans to Directors and Officers. No loans from the Lake Park Community Development Corporation, Inc. shall be made by the Corporation to Directors or Officers of the Corporation.
- 7.9 Revocability of Authorizations. No authorization, assignment, referral or delegation of authority by the Board of Directors to any committee, Officer, agent or other official of the Corporation, or any other organization which is associated or affiliated with the Corporation, preclude or excuse the Board of Directors from exercising the authority required to meet its responsibility. The Board of Directors shall retain the right to rescind any such authorization, assignment, referral, or delegation in its sole discretion.
- 7.10 Gender and Number. Whenever the context requires, the gender of all words used herein shall include the masculine, feminine and neuter, and the number of all words shall include the singular and plural thereof.
- 7.11 Sections and Other Headings. The Section and other headings contained in these Bylaws are for reference purposes only and shall not affect the meaning or interpretation of these Bylaws.

SECTION 8

AMENDMENTS TO BYLAWS

The power to make, alter, amend or repeal these Bylaws is vested solely in the Board of Directors; provided, however, that the text of any proposal to alter, amend or repeal these Bylaws must be given to all Directors with the notice of the meeting at which the proposal is to be considered. Any revision of the Bylaws must be approved by a 2/3's vote of the entire Board of Directors present at a meeting called for such purpose.

Adopted: _____
(Date)

SECRETARY'S CERTIFICATE

THIS IS TO CERTIFY that the foregoing Bylaws of the Lake Park Community Development Corporation, Inc. were duly adopted by the Board of Directors on _____, effective immediately upon adoption.

(Date)

IN WITNESS WHEREOF, the undersigned duly elected and acting Secretary of the Corporation, has signed this Certificate and affixed the seal of the Corporation hereon this ____ day of _____, 20__.

Secretary

Attest:

Chairman of the Board

TAB 17

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: Sept. 12, 2007

Agenda Item No. _____

- ☐ PUBLIC HEARING
☐ Ordinance on Second Reading
☐ Public Hearing

- ☒ RESOLUTION
☐ DISCUSSION

☐ ORDINANCE ON FIRST READING

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM ☐ CONSENT AGENDA

☐ Other: _____

SUBJECT: Resolution authorizing the Mayor to execute an Addendum to the Hy-Bryd Inc., Contract to establish fees for inspections and re-inspections performed for the Town in connection with the review of applications for business tax receipts.

RECOMMENDED MOTION/ACTION: Motion to approve Contract Addendum by Resolution.

Approved by Town Manager

W. Davis

Date:

8/13/07

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Contract Addendum
Department Review: <input checked="" type="checkbox"/> Town Attorney KER 80807 Community Affairs _____ <input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____ Please initial one.

Summary Explanation/Background: The Town contracts with Hy-Bryd Inc., for building official duties and related building inspection services. Hy-Bryd has undertaken additional inspection duties by reviewing applications for business tax receipt f/k/a "occupational licenses". These services are not part of the original contract and Hy-Bryd has requested compensation for those duties. Hy-Bryd has been performing these inspections as a courtesy to the Town to date, however with the increased volume in these type of inspections, Hy-Bryd has requested to be compensated for this additional work. Staff believes that this is a reasonable request. The fees charged to the Town for these inspection will be charged back to the applicant and therefore these costs will be fully recovered by the Town. Hy-Bryd is proposing to charge the Town \$20.00 for conducting an inspection related to an application for a business tax receipt request with a charge of \$25.00 for the second and any subsequent re-inspections if required.

RESOLUTION NO. 63-08-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE CONTRACT ADDENDUM NO. 2 BETWEEN THE TOWN OF LAKE PARK AND HY-BYRD INC., TO PROVIDE FOR THE INSPECTION AND RE-INSPECTION FEES TO BE CHARGED BY HY-BYRD INC., TO THE TOWN FOR INSPECTIONS CONDUCTED IN CONNECTION WITH THE ISSUANCE OF BUSINESS TAX RECEIPTS BY THE TOWN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town is empowered to enter into contractual arrangements with public agencies, private corporations or other persons, pursuant to Florida Statutes; and

WHEREAS, the Town, after soliciting competitive proposals for such services pursuant to the Town of Lake Park Request for Proposals, the Town awarded the contract and a contract addendum to Hy-Byrd, Inc., both of which are dated June 24, 2005 and are collectively referred to herein as the "Contract"; and

WHEREAS, the Town and Hy-Bryd Inc., have agreed to amend the Contract to provide for additional costs charged for inspections performed by the Hy-Bryd Inc., for the Town in connection with the processing of applications for business tax receipts and the issuance of zoning confirmation determinations; and

WHEREAS, this Contract Addendum No. 2 provides additional and supplemental terms to the Contract between the parties, however all other terms and conditions of the June 24, 2005 Contract and Addendum remain in full force and effect.

WHEREAS, the Town has budgeted funds in its current fiscal year budget which are available for the funding of this Contract Addendum No. 2, a copy of the Contract Addendum No. 2 is attached hereto as **Exhibit “A”**; and

WHEREAS, Town staff is recommending that the Town Commission approve the Contract Addendum and direct the Mayor to execute the attached Contract Addendum No. 2 on behalf of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:

Section 1. The whereas clauses are hereby incorporated herein as true and correct.

Section 2. The Mayor is hereby authorized and directed to execute the Contract Addendum No. 2 between the Town of Lake Park and Hy-Bryd Inc., attached hereto as **Exhibit “A”**.

Section 3.

This Resolution shall take effect immediately upon its adoption.

CONTRACT ADDENDUM NO. 2

THIS CONTRACT ADDENDUM NO. 2, made and entered into this ____ day of August, 2007 by and between TOWN OF LAKE PARK, 535 Park Avenue, Lake Park, Florida 33403 (hereinafter referred to as "TOWN") and Hy-Byrd Inc., a Florida corporation, a located at 511 South East Coast Street, Lake Worth, Florida 33460, and licensed and authorized to do business in the State of Florida, (hereinafter referred to as "CONTRACTOR").

WHEREAS, the TOWN is a municipality with those powers and responsibilities enumerated by Chapter 166, Florida Statutes and the Florida Constitution; and

WHEREAS, the TOWN is empowered to enter into contractual relationships with public agencies, private corporations, and/or other persons and entities pursuant to Florida law; and

WHEREAS, the TOWN has previously determined that it has a need for the provision of building inspection and related services; and

WHEREAS, the TOWN, after soliciting competitive proposals for such services pursuant to the Town of Lake Park Request for Proposals (hereinafter "RFP"), the TOWN awarded the contract and a contract addendum to the CONTRACTOR both of which are dated June 24, 2005 and are collectively referred to herein as the "Contract"; and

WHEREAS, the TOWN and the CONTRACTOR have agreed to amend the Contract to provide for additional costs charged for inspections performed by the CONTRACTOR for the TOWN in connection with the processing of applications for business tax receipts and the issuance of zoning confirmation determinations; and

WHEREAS, this Contract Addendum No. 2 provides additional and supplemental terms to the Contract between the parties, however all other terms and conditions of the June 24, 2005 Contract and Addendum remain in full force and effect.

NOW THEREFORE, in consideration of the above and the mutual covenants contained herein, the parties agree as follows:

1. ADDITIONAL FEES.

The following Fee Schedule is hereby added to Paragraph 4 of the Contract. The CONTRACTOR shall conduct building inspections to verify the use of properties in conjunction with requests for zoning confirmation and the TOWN's processing of applications for business tax receipts, and the CONTRACTOR shall charge the TOWN a fee of \$20.00 per each such inspection.

For all inspections conducted by the CONTRACTOR in connection with building permits, no fee shall be charged by the CONTRACTOR to the TOWN for any initial

inspection or for the first re-inspection, however the charge for any subsequent re-inspections shall be \$25.00 per each re-inspection. The costs for these inspections conducted shall be billed by the CONTRACTOR to the TOWN on a monthly basis.

IN WITNESS WHEREOF, the TOWN and CONTRACTOR has signed this Contract Addendum in triplicate. THIS CONTRACT ADDENDUM NO. 2 will be effective upon execution by the TOWN.

TOWN OF LAKE PARK, FLORIDA

BY: PAUL CASTRO, MAYOR

ATTEST:

Vivian Mendez, Town Clerk

APPROVED AS TO FORM:

**Thomas J. Baird,
Town Attorney**

State of Florida
County of Palm Beach

The foregoing instrument was acknowledged before me, the undersigned Notary Public in and for the State of Florida, on this, the ____ day of August, 2007, by Vivian Mendez and Paul Castro, Town Clerk and Mayor, respectively.

**NOTARY PUBLIC
SEAL OF OFFICE**

Notary Public, State of Florida

Printed, typed or stamped name of Notary Public exactly as commissioned. Individuals who signed are:

Is personally known to me, or
has produced identification:

(type of identification produced)

CONTRACTOR: HY-BYRD, INC.

BY: JOSEPH A. CRISAFULLE

State of Florida
County of Palm Beach

On this, the ____ day of August, 2007, before me, the undersigned Notary Public of the State of Florida, the foregoing instrument was acknowledged by **JOSEPH A. CRISAFULLE**, President of HY-BYRD, INC., a Florida corporation, on behalf of the corporation.

NOTARY PUBLIC
SEAL OF OFFICE

Notary Public, State of Florida

Printed, typed or stamped name of Notary Public
exactly as commissioned

Is personally known to me, or
has produced identification:

(type of identification produced)

TAB 18

Town of Lake Park Town Commission Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No.

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: A resolution providing for implementation and establishment of a fine schedule for the newly adopted citation process.

RECOMMENDED MOTION/ACTION: Motion to approve on first reading.

Approved by Town Manager

W. Davis

Date:

9/4/07

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Resolution
Department Review: <input checked="" type="checkbox"/> Town Attorney KER080907 <input type="checkbox"/> Community Affairs <input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Finance <input type="checkbox"/> Fire Dept <input type="checkbox"/> Library <input type="checkbox"/> PBSO	<input type="checkbox"/> Personnel <input type="checkbox"/> Public Works <input type="checkbox"/> Town Clerk <input type="checkbox"/> Town Manager
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____ Please initial one.

Summary Explanation/Background: Town staff is recommending that the Town Commission implement the use of citations as an additional means of enforcing the Town's Code of Ordinances. There are a variety of Code violations that occur on a one-time basis and are difficult to prosecute and enforce because of the very nature of the violation. Examples of violations which are difficult to enforce using the traditional Notice of Violation/Notice of Hearing method are illegally parked vehicles, non-franchised garbage roll offs, noise violations, animals running loose, graffiti, litter law violations, and other similar violations which are capable of repetition yet never get heard by either the Special Magistrate or Code Compliance Board. The use of citations will allow the Town to target repeat offenders of various Code Sections who evade prosecution because the violation is corrected just before the compliance date, but is repeated over and over again leaving the Town without recourse or even the imposition of a fine. This resolution establishes the fee schedule.

RESOLUTION NO.: 65-09-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING A REVISED FINE SCHEDULE FOR VARIOUS VIOLATIONS OF THE TOWN'S CODE OF ORDINANCES, AND A FORM OF CITATION TO BE USED AS AN ADDITIONAL METHOD OF CODE ENFORCEMENT, BOTH OF WHICH ARE ATTACHED HERETO AS EXHIBIT "A"; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission had previously adopted a fine schedule for various violations of the Town's Code of Ordinances to be enforced by citation which was previously codified in Chapter 9, Section 9-71; and

WHEREAS, the Town Commission recently amended Code Section 9-71 to repeal the fine schedule and provide for the establishment of the fine schedule by Resolution; and

WHEREAS, although the Town Code in Section 9-71 has authorized and provided for the use of citations for many years, a form of citation was never created nor was the citation method ever implemented by the Town; and

WHEREAS, the Town Commission recognizes that the use of citations to enforce certain sections of the Town will be an efficient and cost effective additional method of code enforcement; and

WHEREAS, the Town Commission desires to now implement the use of citations in the Town's enforcement of its Code of Ordinances; and

WHEREAS, in amending Section 9-71, the Town Commission also updated and revised the provisions in the Code authorizing the use of citations as an additional method of code enforcement; and

WHEREAS, the Town Commission has determined that it is in the best interest of the public health, safety and general welfare to adopt a new fine schedule by Resolution which will be used in the issuance of citations as another means of enforcing certain provisions of the Town Code; and

WHEREAS, a copy of the fine schedule listing the Code Sections and corresponding fines for violations of the Town Code to be enforced by citation, and a copy of the form of the citation to be used by the Town's code compliance officers are attached hereto and incorporated herein as **Exhibit "A"** .

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:

Section 1. The foregoing recitals are hereby incorporated as true and correct as the findings of fact and conclusions of law of the Town Commission.

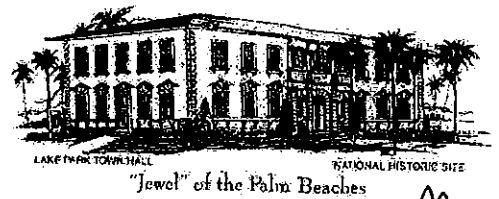
Section 2. The Town Commission hereby approves the new schedule of fines for violations of the Town Code to be enforced by citation, and a copy of the citation are attached hereto as **Exhibit "A"**, and Town staff is directed to implement the use of citations commencing with the effective date of this Resolution.

Section 3. This Resolution shall take effect immediately upon its adoption.

Exhibit A

Code Section	VIOLATION DESCRIPTION	FINE
10 -31	Prohibited parking on sidewalk	\$100
10 -31	Nuisance (general)	\$100
10 -154	Noise disturbance	\$250
16 -3	Unlawful trespass on public land	\$125
18 -61	Domestic animals prohibited in public park	\$50
18 -85	Violation of permit terms for use of park	\$50
18 -121	No permit for special event	\$250
20 -32	No permit for garage sale	\$50
24 -6	Illegal roll-off (residential)	\$250
24 -7	Illegal roll-off (commercial)	\$250
24 -8	Illegal dumping / littering	\$250
24 -78	Overloaded sanitation container	\$50
30 -2	Prohibited parking	\$100
30 -2	Prohibited parking in roadway	\$125
30 -33	Commercial loading and unloading	\$250
30 -35	Parking commercial vehicle in residential are	\$125
34 -6	Hatracking; tree topping	\$250
34 -64	Illegal watering 1 st offense	\$75
34 -64	Illegal watering 2 nd or more offense	\$250
70 -32	Sign code violation	\$125

Town of Lake Park Community Development Department



Meeting Date: August 22, 2007
Memo Date: August 10, 2007

Patrick Sullivan, AICP, Director

To: Town Commission

Re: Implementation of Code Citation process

Town staff is recommending that the Town Commission implement the use of citations as an additional means of enforcing the Town's Code of Ordinances. There are a variety of Code violations that occur on a one-time basis and are difficult to prosecute and enforce because of the very nature of the violation. Examples of violations which are difficult to enforce using the traditional Notice of Violation/Notice of Hearing method are illegally parked vehicles, non-franchised garbage roll offs, noise violations, animals running loose, graffiti, litter law violations, and other similar violations which are capable of repetition yet never get heard by either the Special Magistrate or Code Compliance Board. The use of citations will allow the Town to target repeat offenders of various Code Sections who evade prosecution because the violation is corrected just before the compliance date, but is repeated over and over again leaving the Town without recourse or even the imposition of a fine. The use of citations have proven to be effective and will reduce the amount of staff time typically spent in the issuance of the traditional Notice of Violation/Notice of Hearing.

The use of citations as an additional enforcement tool is authorized by Chapter 162, Fla. Stat., and the current Town Code, however the procedure has never been implemented. Revisions to the Code are necessary to update the procedures for the issuance of citations. Town staff is also recommending that the fine schedule in the Code be repealed and be readopted by Resolution to allow more flexibility in updating the fine schedule.

Town staff has prepared a Resolution approving the fine schedule, a new fine schedule, and a form of citation, all of which are attached hereto as composite **Exhibit "A"**. The fine schedule shall also appear on the reverse side of the citation. The citation will be issued by the Town's Code Compliance Officers, PBSO deputies and certified citizens'

patrol officers. If the violator pays the fine within the time specified and does not contest the citation, no hearing will be required. If however, the violator elects to contest the citation, the violator will be scheduled to appear at a hearing before the Special Magistrate.

Town staff is recommending that the Town Commission approve the amendments to the Town Code updating the citation procedure through adoption of the Ordinance attached hereto as **Exhibit "B"**, and after second reading of that Ordinance, that the Town Commission approve the form of the citation and the fine schedule by Resolution.

Code Citation Fine Comparison

Code Section	Violations	Propoosed Fine	Current Fine
10-31	Prohibited parking on sidewalk	\$100	\$25
10-31	Nuisance (general)	\$100	\$50
10 -154	Noise disturbance	\$250	\$50
16 -3	Unlawful trespass on public land	\$125	\$50
18 -61	Domestic animals prohibited in public park	\$50	\$50
18 -85	Violation of permit terms for use of park	\$50	\$50
18 -121	No permit for special event	\$250	\$50
20 -32	No permit for garage sale	\$50	\$50
24 -6	Illegal roll-off (residential)	\$250	Notice of Violation
24 -7	Illegal roll-off (commercial)	\$250	Notice of Violation
24 -8	Illegal dumping / littering	\$250	\$50
24 -78	Overloaded sanitation container	\$50	\$50
30 -2	Prohibited parking	\$100	\$25
30 -2	Prohibited parking in roadway	\$125	\$25
30 -33	Commercial loading and unloading	\$250	\$25
30 -35	Parking commercial vehicle in residential are	\$125	Notice of Violation
34 -6	Hatracking; tree topping	\$250	\$250
34 -64	Illegal watering 1 st offense	\$75	\$75
34 -64	Illegal watering 2 nd or more offense	\$250	\$250
70 -32	Sign code violation	\$125	\$125

Those items above noted "notice of violation" ususally yield \$0 in fines as the violation is complied with before it can ever get to a hearing.

TAB 19

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No.

- ☐ PUBLIC HEARING
☐ Ordinance on Second Reading
☐ Public Hearing

☒ **RESOLUTION**

☐ DISCUSSION

☐ ORDINANCE ON FIRST READING

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

SUBJECT: Resolution Authorizing the Town Manager to Execute the Contracts Providing for Employee Health Insurance, Life Insurance, Dental Insurance, and an Employee Assistance Program for FY 2008.

RECOMMENDED MOTION/ACTION: Adoption of Resolution

Approved by Town Manager Union Memo **Date:** 9/7/07
for Town Managers

Name/Title

Date of Actual Submittal

Originating Department: Human Resources	Costs: \$ Funding Source: Acct. #	Attachments: Copy of Resolution, Gehring Group Insurance Renewal Evaluation, and EAP Contract
Department Review: <input type="checkbox"/> Community Affairs <input type="checkbox"/> Community Development <input type="checkbox"/> Finance	<input type="checkbox"/> Fire Dept <input checked="" type="checkbox"/> Human Resources <input type="checkbox"/> Library <input type="checkbox"/> Marina <input type="checkbox"/> PBSO	<input type="checkbox"/> Public Works <input type="checkbox"/> Town Attorney <input type="checkbox"/> Town Clerk <input checked="" type="checkbox"/> Town Manager <u>vm for town manager</u>
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____ Please initial one.

Summary Explanation/Background: Staff has reviewed the Employee Benefits Package as presented by Gehring Group, Jefferson Pilot, and The Center for Family Services of Palm Beach County, Inc. and recommends renewal for fiscal year 2008.

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No.

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: Resolution Authorizing the Town Manager to Execute the Contracts Providing for Employee Health Insurance and an Employee Assistance Program for FY 2008

RECOMMENDED MOTION/ACTION: Adoption of Resolution

Approved by Town Manager

W. Davis

Date:

9/4/07

Name/Title

Date of Actual Submittal

Originating Department: Human Resources	Costs: \$ _____ Funding Source: _____ Acct. # _____	Attachments: Copy of Resolution, Gehring Group Insurance Renewal Evaluation, and EAP Contract
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background:

RESOLUTION NO. 69-09-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING THE TOWN MANAGER TO EXECUTE A CONTRACT WITH BLUE CROSS BLUE SHIELD OF FLORIDA FOR EMPLOYEE HEALTH INSURANCE COVERAGE, A CONTRACT WITH JEFFERSON PILOT FOR RENEWAL OF THE TERM LIFE INSURANCE, SHORT TERM DISABILITY, LONG TERM DISABILITY AND DENTAL INSURANCE, AND A CONTRACT WITH THE CENTER FOR FAMILY SERVICES OF PALM BEACH COUNTY INC. FOR AN EMPLOYEE ASSISTANCE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has determined that it will provide the Town's employees with health insurance coverage and an employee assistance program for Fiscal Year 2008; and

WHEREAS, the Town Commission of the Town of Lake Park has reviewed the Medical Insurance Renewal Evaluation effective October 1, 2006 presented by Gehring Group, a copy of which is attached hereto and incorporated herein as **Exhibit "A"**, for the provision of health insurance coverage for Fiscal Year 2008; and

WHEREAS, the Town Commission has determined that it is in the best interest of the Town of Lake Park and its employees to execute the Contract with Blue Cross Blue Shield for one of the alternate health insurance plans outlined in the evaluation, a contract with Jefferson Pilot for renewal of the term life insurance, short term disability, long term disability and dental insurance for FY 2008, and a Contract with the Center for Family Services of Palm Beach County, Inc., for an employee assistance program. A copy of the Center for Family Services of Palm Beach County Inc. Contract for an employee assistance program is attached hereto and incorporated herein as **Exhibit "B"**; and

WHEREAS, the Town Commission of the Town of Lake Park has directed that adequate funds be allocated for such coverage in Fiscal Year 2008.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PAK, FLORIDA AS FOLLOWS:

Section 1. The whereas clauses are incorporated herein as true and correct and are hereby made a specific part of this Resolution.

Section 2. The Town Commission hereby authorizes and directs the Town Manager to execute the application form with Blue Cross Blue Shield for one of the alternate plans outlined in the Medical Insurance Renewal Evaluation presented by Gehring Group.

Section 3. The Town Commission hereby authorizes and directs the Town Manager to execute the Contract with Jefferson Pilot for renewal of the term life insurance, short term disability, long term disability and dental insurance for FY 2008.

Section 4. The Town Commission hereby authorizes and directs the Town Manager to execute the Contract (attached hereto as **Exhibit "B"**) with the Center for Family Services of Palm Beach County, Inc. for the employee assistance program for FY 2008.

Section 5. This Resolution shall become effective immediately upon adoption.

Exhibit A

Town of Lake Park



Employee Benefits

Insurance Analysis and Recommendation

Effective Date: October 1, 2007

Presented by:

GEHRING GROUP
PROFESSIONAL SERVICES

11505 Fairchild Gardens Ave., Ste 202
Palm Beach Gardens, Florida 33410
Telephone: (561) 626-6797
Fax: (561) 626-6970
www.gehringgroup.com

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Section 1	Executive Summary of Recommendations
Section 2	Health Insurance Proposal Analysis
Section 3	Dental Insurance Proposal Analysis
Section 4	Life and AD&D Insurance Proposal Analysis
Section 5	Disability Insurance Proposal Analysis

SECTION 1

Health Insurance Evaluation

Due to the concern regarding the rising healthcare inflation rate in the State of Florida, as well as the impending budget reductions facing municipal governments, the Town of Lake Park's agent of record, the Gehring Group, initiated renewal discussions with the City's current health insurance carrier, BlueCross BlueShield of Florida in order to maintain the current benefit structure while reducing the overall renewal impact on a fiscal basis.

Although the Town has made several plan design changes over the past several years, the Town still maintains a competitive health insurance plan throughout the County. Based upon the most recent manual premium rates and the Town's demographics initial projections for the Town's health insurance premium increase were approximately 40%.

Initially BlueCross BlueShield of Florida provided an overall renewal increase to the Town at a 35.1% increase in current premiums. After subsequent negotiation and use of improved plan claims experience the renewal was reduced to 26.4% and then to a 20.4% increase in current premiums. This negotiation resulted in a savings of approximately \$44,196.

Upon review of the negotiated premiums and benefits associated with the current plan offering, the Gehring Group along with Town staff have surmised that the most viable option for the Town at this time is to renew its health insurance coverage with BlueCross and BlueShield of Florida with no changes in the schedule of benefits at an overall increase of 20.4%. The fiscal impact is approximately \$61,195 effective October 1, 2007 through September 30, 2008.

In an effort to mitigate healthcare renewal increases, the Town implemented an employer sponsored health reimbursement account for Town employees beginning fiscal year 2004/2005. To date, approximately \$60,011 or 49% of contributed funds have been claimed while \$61,783 or 51% of the \$121,794 contributed funds remained with the plan.

Beginning fiscal year 2007/2008, the Town is opting not to continue this program due to a lack of employee participation as well being able to utilize the savings in order to maintain the current health insurance program with BlueCross BlueShield of Florida.

Dental Insurance Evaluation

The current dental program is an employer-sponsored program offered through Jefferson Pilot Financial and consists of a single option PPO dental plan.

The plan's claims paid by the carrier currently exceed the premiums being paid at a 102% loss ratio. The renewal offered from Jefferson Pilot Financial is a 16% increase above current premiums or a \$4,290 increase. The Gehring Group reviewed a proposal submitted by BlueCross BlueShield of Florida which mimicked the current benefits; however the rates were uncompetitive with a 33% increase.

Based upon the review of the renewal evaluation with Town staff, it is recommended that the Town renew its dental insurance program with Jefferson Pilot Financial and maintain the current dental plan for the upcoming 2007/2008 plan year.

Life Insurance Evaluation

The Town of Lake Park currently offers all employees one times their annual salary to a maximum of \$50,000 of basic life and accidental death and dismemberment insurance. Employees are able to purchase an additional benefit up to \$250,000.

This benefit is currently being provided by Jefferson Pilot Financial. Jefferson Pilot Financial is offering an increase in current premiums of \$2,197 per year for the next two plan years. The increase is due to several claims payments resulting in a 781% loss ratio. Therefore, it is the recommendation of the Gehring Group that the Town renew its current life insurance program with Jefferson Pilot Financial effective October 1, 2007.

Short Term & Long Term Disability Insurance Evaluation

In addition to the dental and life insurance being offered by Jefferson Pilot Financial, they also provide the short term disability and long term disability insurance for the Town's employees.

Currently, the long term disability plan has not incurred any claims; however, the short term disability plan has a loss ratio of 120% of premium paid towards claims. Based upon that the short term and long term disability benefits are associated with dental and life insurance plans along with the requested increase of \$2,198 it is the recommendation of the Gehring Group that the Town renew these lines of coverage with Jefferson Pilot Financial effective October 1, 2007.

SECTION 2

Health Insurance Proposal Analysis

Town of Lake Park
Medical Insurance Renewal Evaluation
Effective Date: October 1, 2007

SCHEDULE OF BENEFITS	CURRENT			INITIAL RENEWAL		NEGOTIATED RENEWAL (NO CHANGES)		ALTERNATE 1	
	BlueCross BlueShield of Florida BlueOptions PPO Plan 1667 (SG) In Network	BlueCross BlueShield of Florida BlueOptions PPO Plan 1667 (SG) Out of Network	BlueCross BlueShield of Florida BlueOptions PPO Plan 1667 (SG) In Network	BlueCross BlueShield of Florida BlueOptions PPO Plan 1667 (SG) Out of Network	BlueCross BlueShield of Florida BlueOptions PPO Plan 1667 (SG) In Network	BlueCross BlueShield of Florida BlueOptions PPO Plan 1667 (SG) Out of Network	BlueCross BlueShield of Florida BlueOptions PPO Plan 1667 (SG) In Network	BlueCross BlueShield of Florida BlueOptions PPO Plan 1667 (SG) Out of Network	BlueCross BlueShield of Florida BlueOptions PPO Plan 1667 (SG) In Network
Plan Basics									
Lifetime Maximum	\$5 million	\$5 million	\$5 million	\$5 million	\$5 million	\$5 million	\$5 million	\$5 million	\$5 million
Out of Pocket CYM	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500
Family	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Calendar Year Deductible									
Single									
Family									
Coinurance									
Physician Services									
Primary Care Physician	No Deductible	\$500	No Deductible	\$500	No Deductible	\$500	No Deductible	\$500	No Deductible
Specialist	No Deductible	\$1,500	No Deductible	\$1,500	No Deductible	\$1,500	No Deductible	\$1,500	No Deductible
Pre-Natal	20%	40%	20%	40%	20%	40%	20%	40%	20%
Physical Exam Benefit	\$15	\$30	\$15	\$30	\$15	\$30	\$15	\$30	\$15
Chiropractic Services	\$30 / \$30	\$45	\$30	\$45	\$30	\$45	\$30	\$45	\$30
Laboratory Services	\$15 / \$30	\$30 / \$45	\$15 / \$30	\$30 / \$45	\$15 / \$30	\$30 / \$45	\$15 / \$30	\$30 / \$45	\$15 / \$30
Diagnostics / Surgical Center	\$250 CYM	Not Covered	\$250 CYM	Not Covered	\$250 CYM	Not Covered	\$250 CYM	Not Covered	\$250 CYM
Hospital Services									
Inpatient Hospital	\$30	40%	\$30	40%	\$30	40%	\$30	40%	\$30
Outpatient Hospital	No Charge	40%	No Charge	40%	No Charge	40%	No Charge	40%	No Charge
Emergency Room	\$100	40%	\$100	40%	\$100	40%	\$100	40%	\$100
Physician Services	No Charge	40%	No Charge	40%	No Charge	40%	No Charge	40%	No Charge
Ambulance	20%	40%	20%	40%	20%	40%	20%	40%	20%
Outpatient Therapy	20%	40%	20%	40%	20%	40%	20%	40%	20%
Mental and Nervous Services									
Inpatient Hospital	30 days CYM; 20 visits CYM	40%	30 days CYM; 20 visits CYM	40%	30 days CYM; 20 visits CYM	40%	30 days CYM; 20 visits CYM	40%	30 days CYM
Outpatient Services	\$600 / \$900 / \$1,200	40%	\$600 / \$900 / \$1,200	40%	\$600 / \$900 / \$1,200	40%	\$600 / \$900 / \$1,200	40%	\$600 / \$1,000
Substance Abuse Services									
Inpatient Hospital	30 days CYM; 20 visits CYM (Detox Only)	40%	30 days CYM; 20 visits CYM (Detox Only)	40%	30 days CYM; 20 visits CYM (Detox Only)	40%	30 days CYM; 20 visits CYM (Detox Only)	40%	30 days CYM
Outpatient Hospital	\$600 / \$900 / \$1,200	40%	\$600 / \$900 / \$1,200	40%	\$600 / \$900 / \$1,200	40%	\$600 / \$900 / \$1,200	40%	30 days CYM; 20 visits CYM (Detox Only)
Pharmacy Plan									
Generic	\$30	40%	\$30	40%	\$30	40%	\$30	40%	\$30
Preferred Brand	\$15		\$15		\$15		\$15		\$15
Non Preferred Brand	\$30		\$30		\$30		\$30		\$30
Mail Order Copay	\$50		\$50		\$50		\$50		\$50
	2x		2x		2x		2x		2x
Employee									
Employee + Spouse	30	\$386.93	\$522.65	\$465.74	\$433.38	\$433.38	\$433.38	\$433.38	\$433.38
Employee + Child(ren)	7	\$800.95	\$1,081.90	\$964.08	\$887.08	\$887.08	\$887.08	\$887.08	\$887.08
Family	4	\$727.43	\$982.59	\$875.58	\$814.74	\$814.74	\$814.74	\$814.74	\$814.74
Monthly Premium	4	\$1,228.51	\$1,659.44	\$1,478.71	\$1,375.97	\$1,375.97	\$1,375.97	\$1,375.97	\$1,375.97
Annual Premium		\$25,038.31	\$33,820.92	\$30,137.92	\$28,043.80	\$28,043.80	\$28,043.80	\$28,043.80	\$28,043.80
\$ Increase		\$300,459.72	\$405,851.04	\$361,655.04	\$336,525.60	\$336,525.60	\$336,525.60	\$336,525.60	\$336,525.60
% Increase		N/A	\$105,391.32	\$61,195.32	\$36,065.88	\$36,065.88	\$36,065.88	\$36,065.88	\$36,065.88
		N/A	35.1%	20.4%	12.0%	12.0%	12.0%	12.0%	12.0%

*Rates not contingent on enrollment

Town of Lake Park
Medical Insurance Renewal Evaluation
Effective Date: October 1, 2007

SCHEDULE OF BENEFITS	CURRENT		ALTERNATE 2 ALONGSIDE ALTERNATE 1		ALTERNATE 3 STANDALONE	
	BlueCross BlueShield of Florida BlueOptions PPO Plan 1667 (SG) In Network	Out of Network	BlueCross BlueShield of Florida BlueOptions PPO Plan 1166 / 1167 (HSA) In Network	Out of Network	BlueCross BlueShield of Florida BlueOptions PPO Plan 3166 / 3167 (HSA) In Network	Out of Network
Plan Basics						
Lifetime Maximum						
Out of Pocket CYM		\$5 million		\$5 million		\$5 million
Single		\$2,500	\$1,500	\$6,000	\$1,500	\$6,000
Family		\$5,000	\$3,000	\$12,000	\$3,000	\$12,000
Calendar Year Deductible						
Single	No Deductible	\$500	\$1,500	\$3,000	\$1,500	\$3,000
Family	No Deductible	\$1,500	\$3,000	\$6,000	\$3,000	\$6,000
Coinurance	20%	40%	0%	20%	0%	20%
Physician Services						
Primary Care Physician	\$15	\$30	0%	20%	0%	20%
Specialist	\$30	\$45	0%	20%	0%	20%
Pre-Natal	\$15 / \$30	\$30 / \$45	0%	20%	0%	20%
Physical Exam Benefit	\$250 CYM	Not Covered	\$250 CYM	Not Covered	No Maximum	Not Covered
Chiropractic Services	\$30	40%	0%	20%	0%	20%
Laboratory Services	No Charge	40%	0%	20%	0%	20%
Diagnostics / Surgical Center	\$100	40%	0%	20%	0%	20%
Hospital Services						
Inpatient Hospital	Tier 1 / Tier 2 \$600 / \$900	\$1,200	0%	20%	0%	20%
Outpatient Hospital	\$200 / \$300	\$400	0%	20%	0%	20%
Emergency Room	\$100	\$200	0%	20%	0%	20%
Physician Services	No Charge	40%	0%	20%	0%	20%
Ambulance	20%	40%	0%	20%	0%	20%
Outpatient Therapy	20%	40%	0%	20%	0%	20%
Mental and Nervous Services						
Inpatient Hospital	30 days CYM; 20 visits CYM	40%	0%	20%	0%	20%
Outpatient Services	\$600 / \$900 / \$1,200	40%	0%	20%	0%	20%
Substance Abuse Services						
Inpatient Hospital	30 days CYM; 20 visits CYM (Detox Only)	40%	0%	20%	0%	20%
Outpatient Hospital	\$600 / \$900 / \$1,200	40%	0%	20%	0%	20%
Pharmacy Plan						
Generic	\$30		0%	Not Covered	0%	Not Covered
Preferred Brand	\$15		0%	Not Covered	0%	Not Covered
Non Preferred Brand	\$30		0%	Not Covered	0%	Not Covered
Mail Order Copay	\$50		0%	Not Covered	0%	Not Covered
	2x		Not Covered	Not Covered	Not Covered	Not Covered
Employee	30	\$386.93		\$344.81		\$346.93
Employee + Spouse	7	\$800.95		\$637.21		\$641.03
Employee + Child(ren)	4	\$727.43		\$578.72		\$582.19
Family	4	\$1,228.51		\$977.36		\$983.22
Monthly Premium		\$25,038.31		\$21,029.09		\$21,156.75
Annual Premium		\$300,459.72		\$252,349.08		\$253,881.00
\$ Increase		N/A		-\$48,110.64		-\$46,578.72
% Increase		N/A		-16.0%		-15.5%

*Rates not contingent on enrollment

(SG)-Small Group (LG)-Large Group

SECTION 3

Dental Insurance Proposal Analysis

Town of Lake Park
Dental Insurance Renewal Evaluation
Effective Date: October 1, 2007

SCHEDULE OF BENEFITS		CURRENT		RENEWAL		ALTERNATE	
<u>Plan Basics</u>		Jefferson Pilot Financial DentalGuard Select <i>In Network Non Network</i>		Jefferson Pilot Financial DentalGuard Select <i>In Network Non Network</i>		BlueCross BlueShield ChoicePlus Plan <i>In Network Non Network</i>	
Calendar Year Maximum		\$1,000		\$1,000		\$1,000	
Deductibles							
Single		\$25 \$50		\$25 \$50		\$25 \$50	
Family		\$75 \$150		\$75 \$150		\$75 \$150	
Deductible Waived for Preventative Svcs		Yes Yes		Yes Yes		Yes Yes	
<u>Benefits</u>							
Preventative		100% 100%		100% 100%		100% 100%	
Basic		95% 80%		95% 80%		95% 80%	
Major		50% 50%		50% 50%		50% 50%	
Orthodontia		50% 50%		50% 50%		50% 50%	
<u>Service Information</u>							
Out of Network Benefits Payable Level		90% UCR		90% UCR		90% UCR	
Waiting Period for Major Services		None		None		None	
Endodontics/Periodontics Payable Level		Basic		Basic		Basic	
Rate Guarantee		thru 10/1/2007		12 months		12 months	
Employee		32		\$30.93		\$41.14	
Employee + Family		14		\$88.86		\$118.18	
Monthly Premium		\$2,233.80		\$2,591.28		\$2,970.95	
Annual Premium		\$26,805.60		\$31,095.36		\$35,651.45	
\$ Increase		N/A		\$4,289.76		\$8,845.85	
% Increase		N/A		16.0%		33.0%	

SECTION 4

Life Insurance Proposal Analysis

Town of Lake Park
Basic Life Insurance Renewal Evaluation
Effective Date: October 1, 2007

	CURRENT		RENEWAL		ALTNERATE
	Jefferson Pilot Financial	Jefferson Pilot Financial	Jefferson Pilot Financial	BlueCross BlueShield Florida Combined Life	
Core Benefit					
Class 1 - All eligible employees	1x annual salary to a maximum of \$50,000	1x annual salary to a maximum of \$50,000	1x annual salary to a maximum of \$50,000	1x annual salary to a maximum of \$50,000	
Features					
Waiver of Premium	Included	Included	Included	Included	
Conversion Privilege	Included	Included	Included	Included	
Age Reduction Schedule	Age 65 - 65% of original amount Age 70 - 50% of original amount Age 75 - 35% of original amount	Age 65 - 65% of original amount Age 70 - 50% of original amount Age 75 - 35% of original amount	Age 65 - 65% of original amount Age 70 - 50% of original amount Age 75 - 35% of original amount	Age 65 - 65% of original amount Age 70 - 50% of original amount Age 75 - 35% of original amount	
Rate Guarantee Period	thru 10/1/2007	24 months	24 months	24 months	
Basic Term Life Rate / \$1,000	\$0.20	\$0.29	\$0.28	\$0.28	
AD&D Rate / \$1,000	\$0.035	\$0.035	\$0.03	\$0.03	
Total Rate / \$1,000	\$0.235	\$0.325	\$0.31	\$0.31	
Estimated Volume	\$2,033,800	\$2,033,800	\$2,033,800	\$2,033,800	
Monthly Premium	\$477.94	\$660.99	\$630.48	\$630.48	
Annual Premium	\$5,735.32	\$7,931.82	\$7,565.74	\$7,565.74	
\$ Increase / Decrease	N/A	\$2,196.50	-\$366.08	-\$366.08	
% Increase / Decrease	N/A	38.3%	-4.6%	-4.6%	

SECTION 5

Short Term & Long Term Disability Insurance Proposal Analysis

Town of Lake Park
Short & Long Term Disability Insurance Renewal Evaluation
Effective Date: October 1, 2007

	CURRENT Jefferson Pilot / Lincoln National	RENEWAL Jefferson Pilot / Lincoln National	ALTERNATE BlueCross BlueShield / FCL
STD Core Benefit			
All Eligible Employees	60% of weekly earnings	60% of weekly earnings	60% of weekly earnings
Elimination Period	15 days	15 days	15 days
Duration of Benefit	Sickness & Accident 26 weeks	Sickness & Accident 26 weeks	Sickness & Accident 26 weeks
Benefit Maximum			
Rate Guarantee Period	\$410 Weekly Benefit thru 10/1/2007	\$410 Weekly Benefit 12 months	\$410 Weekly Benefit 24 months
STD Rate / \$10	\$0.37	\$0.46	\$0.69
Estimated Volume	\$20,356	\$20,356	\$20,356
Monthly Premium	\$753.17	\$936.38	\$1,404.56
Annual Premium	\$9,038.06	\$11,236.51	\$16,854.77
LTD Core Benefit			
All Eligible Employees	60% of monthly earnings	60% of monthly earnings	60% of monthly earnings
Elimination Period	180 days	180 days	180 days
Own Occupation Period	24 months	24 months	24 months
Duration of Benefit	SSNRA	SSNRA	SSNRA
Features			
Maximum Monthly Benefit	\$5,000	\$5,000	\$5,000
Mental Illness Limitation	24 months	24 months	24 months
Pre-Existing Condition Limitation	3/12	3/12	3/12
Survivor Benefit			
	3x monthly benefit	3x monthly benefit	3x monthly benefit
Rate Guarantee Period			
LTD Rate / \$100	thru 10/1/2007 \$0.35	24 months \$0.35	24 months \$0.44
Estimated Volume	\$179,348	\$179,348	\$179,348
Monthly Premium	\$627.72	\$627.72	\$789.13
Annual Premium	\$7,532.62	\$7,532.62	\$9,469.57
Total Monthly Premium	\$1,380.89	\$1,564.09	\$2,193.70
Total Annual Premium	\$16,570.68	\$18,769.13	\$26,324.34
Total \$ Increase	N/A	\$2,198.45	\$9,753.66
Total % Increase	N/A	13.3%	58.9%

**THE CENTER FOR FAMILY SERVICES OF PALM BEACH COUNTY, INC.
LIFE ENRICHMENT EMPLOYEE ASSISTANCE PROGRAM**

AGREEMENT made this 1st day of September 2007 between THE CENTER FOR FAMILY SERVICES OF PALM BEACH COUNTY, INC., hereinafter referred to as "CFS", and the TOWN OF LAKE PARK referred to as "the Company."

WHEREAS, the Company desires to retain CFS with expertise in the Employee Assistance Program (EAP) and Drug Free Workplace Program (DFWP) Services and CFS agrees to be retained to provide services as called for in this agreement. Therefore, in consideration of the mutual promises and covenants contained herein, the parties hereby agree as follows:

I. TERM OF AGREEMENT

This Agreement shall be in full force and in effect for the period beginning October 1, 2007 and ending September 30, 2008, unless terminated earlier pursuant to Section XI.

II. SERVICES TO BE PERFORMED BY CFS:

A. CFS shall perform for the Company's employees and their eligible family members, unlimited sessions for the following EAP services. If multiple family members attend a session as a group, each individual family member will use one of their allotted number of sessions.

1. Marital counseling
2. Divorce adjustment counseling
3. Job-related counseling
4. Parent/child counseling
5. Substance abuse assessment and counseling or referral
6. Counseling related to the problems of older persons
7. Counseling or referral related to physical or developmental disabilities
8. Mental Health assessment and counseling
9. Unlimited Legal/ Financial Consultations provided by CLC, Consolidated Legal Concepts
10. Elder care resource and referral per contract year

B. CFS further agrees to provide to the Company:

1. Technical assistance in the development of EAP policies & procedures
2. Case management (coordination of community resources, follow-up and case advocacy)
3. Referral to specialized services not offered by CFS, but required by an Employee/eligible family member
4. One two hour Supervisory Training session
5. Telephone consultation with EAP staff or CFS as necessary
6. On-site consultation by CFS staff in those cases where CFS deems it necessary
7. Priority for EAP appointments
8. Benefit Talks / Fairs as needed
9. New Employee Orientation
10. Annual Drug Free Workplace Training
11. Three one hour Worksite Seminars

III. SERVICE LOCATIONS:

The services under this Agreement will be provided at CFS locations or those of its network agencies.

IV. METHOD OF INTAKE:

Employees/eligible family members desiring counseling or assistance should call the Center at 1-800-404-7960. Within 24 hours of an initial call, CFS will notify employees/eligible family members of an appointment time to occur within three (3) working days. For those employees/eligible family members that CFS considers to have an emergency, CFS will grant an appointment within 4 hours of an initial call. For urgent care, an appointment will be made within 24 hours. These appointments can be made at any one of our three locations.

V. EMPLOYEE AWARENESS:

Whenever the Company deems it necessary to communicate the benefits of the counseling program to the Company's employees/eligible family members, the Company shall provide for and incur all related mailing expenses. CFS agrees to provide the printed material to be enclosed.

VI. REPORTING:

CFS agrees to provide annual utilization reports to the Company. The reports will include statistics for the preceding year including the number of new employees/eligible family members seen, the number of new cases opened, and the number of cases closed, as well as year-to-date statistics.

VII. CONFIDENTIALITY:

Employees/eligible family members who utilize the counseling services are entitled to privacy. CFS will maintain a confidential relationship with all employees/eligible family members within the limitations of the law. No reports which contain any identifying information will be provided to the Company without the knowledge, approval and written consent of the employee or eligible family member. Likewise, information learned about the Company, such as salaries, personnel problems, etc., are treated in a confidential manner.

VIII. PAYMENT TO CFS:

The Company agrees to pay CFS for all services performed pursuant to this Agreement at the rate of:

\$3.75 per employee per month, based upon 79 employees, payable in advance at the beginning of each annual quarter of the year and by the first of each quarter (October 1, January 1, April 1, and July 1.) This amounts to four (4) payments of \$888.75 or \$3,555.00 per year. If the number of employees varies (+) or (-) 5% the necessary cost adjustments will be made on a quarterly basis.

Supervisory training sessions, other than the initial session provided in section II-B 4, shall be performed at a cost of \$250.00 per hour. In addition to those services performed pursuant to the agreement, including employee seminars on a variety of subjects, other than the initial sessions provided in section II-B11, may be performed at a cost of \$250.00 per hour. Critical Incident Stress Debriefing interventions shall be performed at a cost of \$250.00 per hour.

IX. RELATIONSHIP BETWEEN THE PARTIES:

CFS's relationship to the Company created by this Agreement is that of an independent contractor and not an employee, agent, partner or joint venturer with the Company. The Company is only interested in the results of CFS' performance under this Agreement. No agent, employee or servant of CFS, including the EAP Director will be or will be deemed to be, the employee, agent or servant of the Company and the Company agrees not to hire any such individual during the course and duration of this Agreement. CFS shall assume all responsibility for the payment of wages and benefits to its agents, employees, and servants, if any, for services performed by them under this Agreement. None of the benefits provided by the Company to its employees, including, with limitation, compensation insurance and unemployment insurance, will be available to CFS or its agents, employees or servants. CFS will assume full responsibility for the payment of all federal, state and local taxes or other contributions imposed or required under unemployment, social security and income tax laws, with respect to CFS's engagement by the Company under this Agreement.

X. CONTINUITY OF CARE:

Should the counseling needs exceed the designated number of sessions allowed pursuant to Section II, employees / eligible family members may continue sessions without interruption based on a CFS sliding fee scale, payable at time of service, and are responsible for their fees. If the employer wishes to pay for extended sessions for employees, the rate for the session is \$150.00 per hour billed monthly. Should this Agreement terminate pursuant to Section XI or by non-renewal, employees / eligible family members may elect to continue counseling and pay out of pocket or use insurance benefits based on CFS' fee schedule. Upon termination of an employee, the employee / eligible family member receiving services may also convert to self-pay or use CFS' fee schedule and shall be responsible for her/his own fees.

USE OF OUTSIDE PROVIDERS:

The only time authorization is approved by EAP Director for use of an outside provider for counseling, is when an employee's access to CFS' three locations is beyond a twenty mile radius. In the event authorization is granted for use of outside provider, the number of sessions offered may be limited. On contracts that offer "unlimited" number of sessions to their employees, CFS will not grant the use of "unlimited" sessions for outside providers. The employee must come to a CFS office location to be eligible for the "unlimited" sessions. Otherwise, employee may be responsible for additional fees to the outside provider.

XI. TERMINATION:

This Agreement is subject to termination, prior to its expiration, upon either party delivering to the other a written notice of intention to terminate this Agreement, which shall become effective ninety (90) days thereafter. Unless otherwise terminated by either party, this Agreement is to be renegotiated at the end of each contract period.

XII. DEFINITIONS:

"Eligible family member" includes an employee's legal spouse, an employee's unmarried children under the age of 19, and employee's unmarried children under the age of 22 who are full-time students. "EAP" is the Employee Assistance Program.

XIII. MISCELLANEOUS:

A. Enforceability

If any term or condition of this Agreement shall be invalid or unenforceable to any extent or in any application, then the remainder of this Agreement, and such term or condition except to such extent or in such application, shall not be affected hereby and each and every term and condition of this Agreement shall

be valid and enforced to the fullest extent and in the broadest application permitted by law.

B. Notice

All notices or other communications required or permitted to be given pursuant to this Agreement shall be in writing and shall be considered as properly made if hand delivered, mailed from within the United States by certified or registered mail.

1. If to the Company in care of

Bambi McKibbon-Turner
Human Resource Director
Town of Lake Park
535 Park Avenue
Lake Park, Florida 33403

2. If to CFS in care of

Dorla Leslie
Executive Director
The Center For Family Services
4101 Parker Avenue
West Palm Beach, Florida 33405

or to such other addresses as any other party may have designated by like notice forwarded to the other party hereto. Notices other than those dealing with a change of address shall be deemed given when mailed using United States Postal Service mail or hand delivered. Change of address notices shall be deemed given when received.

C. Application of Florida Law

This Agreement, and the application or interpretation thereof, shall be governed exclusively by its terms and by the laws of the State of Florida.

D. Counterparts

This Agreement may be executed by any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

E. Assignment

CFS may not assign or subcontract its rights or obligations under this Agreement without the prior written consent of the Company. The Company

may not assign its rights or obligations without prior written consent of CFS.

F. Entire Agreement

This Agreement represents the entire agreement and understanding between the parties and supersedes all prior negotiations, understandings, representations (if any), and agreements made by and between the parties. This Agreement shall not be subject to modification or amendment by any oral representation, or any written statement by either party, except for a dated written amendment to this Agreement signed by CFS and an authorized representative of the Company.

G. Litigation

In the event of litigation between the parties hereto arising out of or to settle issues or disputes arising under this Agreement, the prevailing party in such litigation shall be entitled to recover against the other party its costs including reasonable attorney's fees, which shall include any fees and costs attributable to trial, appellate, or post-judgment proceedings.

IN WITNESS WHEREOF, the parties hereunto executed this Agreement the day and year first above written

TOWN OF LAKE PARK

WITNESSES:

(1) _____ by: _____
Its _____
"the Company"

THE CENTER FOR FAMILY SERVICES OF
PALM BEACH COUNTY, INC.

(1) _____ By: _____
Executive Director
"CFS"

TAB 20

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No.

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: Resolution Authorizing the Town Manager to Execute the Contract Providing for Property, Casualty and Liability Insurance Coverage for FY 2008

RECOMMENDED MOTION/ACTION: Adoption of Resolution

Approved by Town Manager

W. Davis

Date:

9/4/07

Name/Title	Date of Actual Submittal	
Originating Department: Human Resources	Costs: \$ Funding Source: Acct. #	Attachments: Copy of Resolution
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>BMT</u> or Not applicable in this case _____: Please initial one.

Summary Explanation/Background:

RESOLUTION NO. 72-09-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING THE TOWN MANAGER TO A EXECUTE CONTRACT WITH THE FLORIDA LEAGUE OF CITIES FOR PROPERTY, CASUALTY AND LIABILITY INSURANCE FOR THE TOWN OF LAKE PARK; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has determined that it is in the best interest of the Town of Lake Park to provide for property, casualty and liability insurance for Fiscal Year 2008; and

WHEREAS, the Town Commission of the Town of Lake Park has reviewed the evaluation effective October 1, 2006 presented by Gehring Group, a copy of which is attached hereto and incorporated herein as **Exhibit "A"**, for the provision of property, casualty and liability insurance coverage for Fiscal Year 2008 through the Florida League of Cities Florida Municipal Insurance Trust; and

WHEREAS, the Town Commission of the Town of Lake Park has directed that adequate funds be allocated for such coverage in Fiscal Year 2008.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PAK, FLORIDA AS FOLLOWS:

Section 1. The whereas clauses are incorporated herein as true and correct and are hereby made a specific part of this Resolution.

Section 2. The Town Commission hereby authorizes and directs the Town Manager to approve the renewal of property, casualty and liability insurance coverage through the Florida League of Cities Florida Municipal Insurance Trust for Fiscal Year 2008 as outlined in the attached **Exhibit "A"**.

Section 3. This Resolution shall become effective immediately upon adoption.



**Town of Lake Park
Property & Casualty &
Workers' Compensation
Renewal Recommendation**
Effective Date: October 1, 2007

The Town of Lake Park has continued to renew their property and casualty insurance program with the Florida League of Cities/ Florida Municipal Insurance Trust since October 1, 2005. As such, the Town's incumbent carrier provided the following renewal quotation for fiscal year 2007/2008.

PROPERTY, INLAND MARINE, GENERAL LIABILITY, AUTOMOBILE

The incumbent provider for Property, Inland Marine, General Liability, and Automobile coverage is the Florida Municipal Insurance Trust (FMIT) administered through the Florida League of Cities. Regarding Property, the FMIT renewal quotation is \$144,038 based upon a Total Insured Value (TIV) of \$13,726,845. The expiring premium is \$105,355 based upon a TIV of \$9,505,113. The property premium increase is a direct result of increasing insurable values by \$4,221,732 in accordance with the recent appraisal completed by Specialty Property Services. Inland Marine coverage is included in the FMIT property quotation and covers items such as heavy equipment and small boats. The renewal quotation represents an increase in premium of \$38,683 above the expiring quote with a deductible of \$5,000 for All Other Perils. The Windstorm deductible remains unchanged at 5% of the Total Insured Value per building, per location, subject to the policy deductible or whichever is greater.

FMIT, as the incumbent provider for General Liability, Public Officials Liability/Employment Practices Liability, offers a renewal quote of \$37,601, a 12.5% increase from the current year's premium of \$33,420. FMIT also provided a renewal quotation for Automobile coverage which no increase in premium for both liability and physical damage.

WORKERS' COMPENSATION

FMIT is also the incumbent carrier for the Town's workers' compensation program. As such, it has provided a renewal quotation of \$159,188, an increase of 37% from the expiring premium of \$116,248. This is due to an increase in the experience modification factor for the Town from a 1.21 to a 1.61. Also, estimated payroll increased by 7.5% from the prior year. The FMIT continues to offer the Village the standard credits for maintaining and enforcing a Drug Free Workplace (5%) and Safety Program (2%) in addition to their standard Incentive Credit. The Gehring Group will work with staff to review trends and establish programs which over time will help to decrease the experience medication factor to an acceptable level.

CRIME

Coverage with the FMIT includes an honesty blanket bond with a limit of \$50,000. This type of bond protects the Town from employee dishonesty. The Town also has theft, disappearance and destruction coverage with a limit of \$10,000. These coverages' are included in the Property Coverage offered by the FMIT. In addition, the Town has a position schedule bond for the Finance Director and Town Manager. This bond does not renew until December 6, 2007.

SUMMARY

- *The Gehring Group recommends that the Town of Lake Park place its Property, Inland Marine, General Liability, Automobile, Workers' Compensation and Crime coverage's with the FMIT for a combined premium of \$367,114. This recommendation represents an overall increase to the Town of 30.76% from the expiring premiums.*

**TOWN OF LAKE PARK
PROPERTY & CASUALTY RENEWAL EVALUATION
2007 - 2008 PLAN YEAR**



Coverage Type	CURRENT FMIT			RENEWAL FMIT			% + or -
	Deductible	Liability Limits	Premium	Deductible	Liability Limits	Premium	
Property, Inland Marine & Equipment Breakdown	\$ 5,000	\$ 9,505,113	\$ 105,355	\$ 5,000	\$ 13,726,845	\$ 144,038	36.72%
	See Below for Wind						
General Liability	\$ 25,000	\$2,000,000 No Aggregate	\$ 22,493	\$ 25,000	\$2,000,000 No Aggregate	\$ 25,320	12.57%
Stop Loss Deductible	\$ 75,000						
Public Official Liability & Employment Practices Liability	\$ 25,000	\$ 1,000,000	\$ 10,927	\$ 25,000	\$ 1,000,000	\$ 12,281	12.39%
Auto Liability	\$ 25,000	\$ 2,000,000	\$ 26,286	\$ 25,000	\$ 2,000,000	\$ 26,287	0.00%
Stop Loss Deductible	\$ 75,000						
Personal Injury Protection	N/A	\$ 10,000	Included	N/A	\$ 10,000	Included	
Medical Payments	N/A	\$ 5,000	Included	N/A	\$ 5,000	Included	
Uninsured Motorists	N/A	\$ 20,000	Included	N/A	\$ 20,000	Included	
Physical Damage Comprehensive Coverage	N/A	Per Schedule	Included	N/A	Per Schedule	Included	
Physical Damage Collision Coverage	N/A	Per Schedule	Included	N/A	Per Schedule	Included	
Stop Loss Deductible	\$ 75,000						
Crime Coverage							
Employee Dishonesty Coverage	\$ 1,000	\$ 10,000	Included	\$ 1,000	\$ 10,000	Included	
Theft, Disappearance, Destruction	\$ 1,000	\$ 10,000	Included	\$ 1,000	\$ 10,000	Included	
Position Schedule Bond	N/A	\$ 50,000	\$ 725	N/A	\$ 200,000	\$ 725	0.00%
Workers' Compensation	First Dollar Coverage	\$ 1,000,000	\$ 116,248	First Dollar Coverage	\$ 1,000,000	\$ 159,188	36.94%
Modification Factor	1.21			1.61			
Annual Premium Sub Total:			\$ 281,309				\$ 367,839
Gehring Group Administrative Services Fee:			\$ 14,065				\$ 18,392
Total Annual Premium:			\$ 295,374				\$ 386,231
\$ Increase			N/A				\$ 90,857
% Increase			N/A				30.76%

2007-2008 Property Deductible

Locations Greater than 1/2 Mile from Coastal Water: Named storm deductible: 5% of the value of the damaged properties per building/per occurrence, subject to the policy deductible, whichever is greater.

Position Schedule Bond renews on December 6, 2007.

TAB 21

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No.

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: Enter into a Contract for Landscape Maintenance Services at the Marina with Chris Wayne and Associates, Inc. Utilizing the Town of Manalapan Contract and Eliminate A Maintenance Worker II Position Funded Through the Marina Budget

RECOMMENDED MOTION/ACTION: Approve

Approved by Town Manager

[Signature]

Date:

9/3/07

Name/Title	Date of Actual Submittal	
Originating Department: Town Manager	Costs: \$ \$27,600 Funding Source: Marina Contractual Services Acct. #	Attachments: Resolution, Proposal and Contract from Town of Manalapan
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda. <div style="display: flex; justify-content: space-between;"> <div> Yes I have notified everyone _____ or Not applicable in this case _____: </div> <div> Please initial one. </div> </div>	

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: September 12, 2007

Agenda Item No.

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input checked="" type="checkbox"/> CONSENT AGENDA |
|---|---|

SUBJECT: Enter into a Contract for Landscape Maintenance Services at the Marina with Chris Wayne and Associates, Inc. Utilizing the Town of Manalapan Contract and Eliminate A Maintenance Worker II Position Funded Through the Marina Budget

RECOMMENDED MOTION/ACTION: Approve

Approved by Town Manager _____ **Date:** _____

Name/Title

Date of Actual Submittal

Originating Department: Town Manager	Costs: \$ \$27,600 Funding Source: Marina Contractual Services Acct. # _____	Attachments: Resolution, Proposal and Contract from Town of Manalapan
Department Review: <input checked="" type="checkbox"/> Town Attorney <i>[Signature]</i> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda. <div style="display: flex; justify-content: space-between;"> <div>Yes I have notified everyone _____</div> <div>or</div> <div>Not applicable in this case _____</div> </div> Please initial one.	

RESOLUTION NO. 70-09-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING THE TOWN MANAGER TO EXECUTE A LANDSCAPE MAINTENANCE AGREEMENT BETWEEN THE TOWN OF LAKE PARK, FLORIDA AND CHRIS WAYNE AND ASSOCIATES, INC. AND ELIMINATE A MAINTENANCE WORKER II POSITION AT THE MARINA IN ORDER TO FUND SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park (Town) is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the current landscape maintenance at the Lake Park Marina is executed by a Maintenance Worker II employee.

WHEREAS, the Town Commission has determined that it is in the best interest of the Town to employ a landscape maintenance company to maintain the landscaping located on the Marina property.

WHEREAS, in order for the Town to fund a landscape maintenance agreement, it is required to eliminate a maintenance worker II position, which is funded within the Marina Budget; and

WHEREAS, the current Maintenance Worker II employee requested, and has been granted a transfer to a vacancy in the Public Works Department.

WHEREAS, the Town Commission authorizes the Town Manager to enter into a one year Landscape Maintenance Agreement between the Town and Chris Wayne and Associates, Inc. for landscape maintenance services at the Lake Park Marina in the amount of \$27,600, utilizing the salary and fringe dollars of the eliminated Maintenance Worker II position for a savings of \$6,769 and;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE
TOWN OF LAKE PARK:**

SECTION 1.

That the Town Manager is hereby authorized and directed to eliminate the position of Maintenance Worker II from the Marina budget in order to fund a Landscape Maintenance Services Agreement.

SECTION 2.

That Town Manager is hereby authorized and directed to execute a Landscape Maintenance Agreement between Chris Wayne and Associates, Inc. and the Town of Lake Park utilizing a competitively bid contract awarded by the Town of Manalapan.

SECTION 3.

This Resolution shall take effect immediately upon its adoption.



TOWN OF MANALAPAN

600 South Ocean Boulevard, Manalapan, Florida 33462-3398
Telephone (561) 585-9477 Fax (561) 585-9498
Email: townhall@manalapan.org www.manalapan.org

August 28, 2007

To Whom It May Concern:

Chris Wayne & Associates currently provides lawn maintenance services based on the renewal of the amended lawn maintenance agreement dated March 13, 2006. The Town Commission voted on April 24, 2007 to renew this agreement for one year.

Sincerely,



Linda A. Stumpf
Finance Director

Aug 28 07 05:34p

TOWN OF MANALAPAN

561-585-9490

p. 3



**TOWN OF MANALAPAN
AGENDA ITEM SUMMARY**

Meeting Date: April 24, 2007

Agenda Item No.: R.A.6

Agenda Item Name: Renewal of Landscape Maintenance Contract for
Chris Wayne and Associates

ACTION REQUESTED: Discussion ☐ Approval ☐

BACKGROUND:

The landscape maintenance contract between the Town of Manalapan and Chris Wayne and Associates (CWA) expires at the end of March. CWA has offered to renew the contract under the same terms and conditions as the existing contract. The Town and staff are pleased with the service CWA provides and would recommend renewing the contract under the same terms and conditions.

ATTACHMENTS:

- Landscape Maintenance Services Contract Renewal
 - Landscape Maintenance Services Contract Renewal dated March 13, 2006
 - Contract for Grounds Maintenance Services with Chris Wayne & Associates, Inc.
-

Aug 28 07 05:34p

TOWN OF MANALAPAN

561-585-9498

P. 4



**Town Commission Meeting
Tuesday, April 24, 2007**

IN ATTENDANCE

COMMISSION		TOWN STAFF	
William E. Benjamin II, Mayor	✓	Gregory L. Dunham, Town Manager	✓
Peter Blum, Vice Mayor	✓	Lisa S. Petersen, Zoning/Licensing Admin	X
Basil S. Diamond, Mayor Pro Tem	✓	Linda Stumpf, Finance Director	✓
Tom M. Coffman, M.D., Commissioner	✓	Clay Walker, Chief of Police	✓
Tom Gerrard, Commissioner	✓	Trela White, Town Attorney	✓
Kelly S. Gottlieb, Commissioner	✓	Max Lohman, Asst. Town Attorney	✓
Tom Thornton, Jr., Commissioner	✓		

PUBLIC

Juanita West, James and Caroline Campbell, Robert Evans, David and Daryl Cheifetz, William and Denise Gerrish, Judy Black, Bill and Joan Bernstein, Howard and Sandi Roder, Martin Jacobson, John and Pamela Murphy, Marilyn Hedberg, Albert Balik, Dr. Kent Shortz, Howard Parker, Clarence Elder, Barbara Elder, John Morgan, Sharon and Bob Kirkland, Noreen Papatheodorou, Phillip Perkins, Kathryn Diamond, Lisa Elder, Bob Cuyar, Touko Paavola, Al Cohen, Frank McKinney, Bill Quigley, John Smith

CALL TO ORDER & PLEDGE OF ALLEGIANCE

CONSENT AGENDA

The minutes from the March 27, 2007 meeting were not complete due to technical difficulties during the meeting. The Commission asked if the Fire Rescue Safety Report would reflect all calls coming from the Manalapan station. Vice Mayor Gerrard moved to **approve** the Public Safety Activity Report for March: Resolution 9-2007, opposing House Bill 529, known as the "Consumer Choice Act of 2007" regarding cable franchises, and the designation of Town Manager Dunham as voting delegate with the Mayor and Commission serving as alternates for the Palm Beach League of Cities, Inc. Commissioner Diamond seconded the motion, which passed unanimously.

REGULAR AGENDA

Briny Breezes Redevelopment presented by Ocean Ridge Mayor Ken Kaleel

Mayor Kaleel made a presentation on the proposed development of Briny Breezes. William Koch, Mayor of Gulf Stream spoke on the issue. Vice Mayor Gerrard asked what steps must be taken for the development to be approved. Mayor Kaleel explained the process and the Comprehensive Plan approval process. Mayor Koch asked that the Town Commission approve a

resolution. Commissioner Peter Blum moved to **approve** the preparation of a resolution supporting the efforts of neighboring communities to pare down the density issue within the development request for Briny Breezes. Mayor Pro Tem Diamond seconded the motion which passed unanimously.

***Ritz-Carlton Hotel, 100 South Ocean Blvd. - PUD 07-1 Amendment, proposed amendments to the amended and restated Ritz Carlton PUD agreement**

***Ritz-Carlton Hotel, 100 South Ocean Blvd. - PUD 07-2 Amendment, proposed amendment to the amended Unities of Title and Interest Declaration, Covenants and Agreement -**

Mayor Benjamin spoke about the letter that was sent out by the Class II Shareholders of the La Coquille Club. Ron Kolins, attorney for the ownership, stated that most issues within the agreement had been agreed upon, except the resident issue. It was decided that Commissioner Gottlieb and Julie Young would meet to review the discrepancy of the budget of the La Coquille Club. Dr. Shoritz, member of the Ritz Task Force, and mayor at the time of the adoption of the original PUD agreement, spoke on the issue of registered voters vs. property owners regarding membership qualification for the La Coquille Club. Town Attorney White explained the process of amending the PUD agreement. Vice Mayor Gerrard moved to **approve** the PUD agreement on first reading. Commissioner Gottlieb seconded the motion which passed unanimously.

The Commission and applicants discussed the issue of legal fees stated in the Unities of Title, which was agreed upon. Commissioner Gottlieb moved to **postpone** the Unities of Title, Covenants and Bylaws until the May 22, 2007 meeting. Vice Mayor Gerrard seconded the motion which passed unanimously.

Julie Young spoke about the license agreements in process for off site parking. At the time of the meeting the agreements were not fully executed. The Commission and Ms. Young discussed parking in the Plaza Del Mar. Ms. Young explained that many items on the conditional C.O. were completed or near completed. Town Manager Dunham recommend that the Commission extend the Conditional Certificate of Occupancy since the items left to be finished were 80-90% complete and are no life or health safety issues. Commissioner Blum moved to **approve** the extension of the Conditional Certificate of Occupancy until the May 22, 2007 meeting. Commissioner Coffman seconded the motion which passed unanimously.

Discussion -- Options for expansion of Town Hall

The Mayor gave a brief history on the need for expanding Town Hall and what steps have been taken. Mark Marsh, AIA made a presentation on the needs assessment study done two years ago and the options for expanding that may be available to the Town. The Commission discussed the different options presented to them and other options developed during the meeting. Mayor Pro Tem Diamond asked for cost analyses on the different options. Residents Fred Stinson, Bill Bernstein, Howard Roder, Al Cohen and Bob Evans spoke on the issue.

Discussion -- Summary of the Zoning Commission's recommended amendments to the Zoning Code

Assistant Town Attorney Lohman summarized the zoning amendments. Vice Mayor Gerrard suggested setting workshops and meetings for the recommendations. Residents Michael Gottlieb (ex-Chair of the Zoning Commission) and Al Cohen spoke on the issue. Vice Mayor Gerrard recommended by a motion to setting a workshop in November and preparing a package for each resident. Mayor Pro Tem Diamond seconded the motion which passed unanimously.

Renewal of landscape maintenance contract for Chris Wayne and Associates

Vice Mayor Gerrard moved to approve the renewal of the landscape maintenance contract with Chris Wayne and Associates. Commissioner Gottlieb seconded the motion which passed unanimously.

Discussion - Proposed tax legislation and potential impacts on current and future budgets

This item was tabled until the meeting on May 22, 2007

Discussion - Manalafest

Ex-Chair Marilyn Hedberg spoke about the issues during the last Manalafest. Kathryn Diamond, the new Chair, spoke about changes being made for this year's event.

Public Hearings:


Ordinance 269 -- Legal defense for elected and appointed public officials; staff

Attorney White explained the ordinance. Commissioner Gottlieb moved to adopt Ordinance 269 on second reading. Mayor Pro Tem Diamond seconded the motion which passed unanimously.

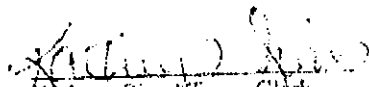
ADJOURNMENT

Commissioner Blum moved to adjourn the meeting. Vice Mayor Gerrard seconded the motion which passed unanimously. The meeting was adjourned at 4:48 p.m.

These minutes were approved by the Town Commission
on Tuesday, May 22, 2007.


William E. Benjamin II, Mayor

5/22/07
Date Signed


Kathryn Sims, Town Clerk

5/22/07
Date Signed

Aug 28 07 05:38p

TOWN OF MANALAPAN

561-585-9498

p.0



Lawn Maintenance Agreement

Attention:

Town of Manalapan
600 South Ocean boulevard
Manalapan, FL 33462

Date

3/13/2006

Proposal No.

08-05

Overview

Provide lawn and landscape maintenance services as described under the terms and conditions reflective from the contract held last year with the Town of Manalapan, for a period of one year.

Lawn Service

Monthly Cost

Total Cost

To reflect the initial Contract for Grounds Maintenance Services drawn up by Town of Manalapan April 1, 2005. All terms remain constant except for pricing which changes are made to the following:

1,680.00

18,200.00

Area #1 - \$300.00

Area #2 - \$175.00

Area #3 - \$180.00

Area #4 - \$175.00

Area #5 - \$235.00

Area #6 - \$340.00

Area #7 - \$125.00

Area #8 - \$100.00

Irrigation Work

Rate Change: \$50.00

Installation of Annuals

Rate shall remain \$20.00 HR

Accepted by:

Date

Print Name/Address Gregory L. Dunham, TM

TOWN OF MANALAPAN
600 SOUTH OCEAN BLVD.
MANALAPAN, FL 33462-3397

Phone No.

Fax No.

By accepting service of Chris Wayne and Associates, Inc. customer agrees to the following: 1. A service charge on delinquent invoices not paid within specified terms shall be \$25.00 2. A fee of \$25.00 shall be collected on all returned check items. 3. Customer agrees to pay all water costs, damages and attorney fees if collection efforts become necessary. 4. After three consecutive months of delinquent payment CWA reserves right to cancel contract, collect all charges due and customer shall be charged a fee of \$125.00 only termination. 5. If customer wishes to cancel contract, they may do so by giving a written statement to CWA, giving two weeks for processing. Customer shall agree to make all payments due up to that date, and shall pay a \$25.00 early cancellation fee.

Chris Wayne and Associates, Inc.
16653 97th Drive North, Jupiter, FL 33478
Phone 561-746-4225 Fax 561-746-8991
LC 2800249 U-20101

CONTRACT

GROUNDS MAINTENANCE SERVICES

CHRIS WAYNE & ASSOCIATES, INC.
15863 97th Drive, North
Jupiter, FL 33478
561-746-4225



**600 SOUTH OCEAN BOULEVARD
MANALAPAN, FL 33462**

Gregory L. Dunham, Town Manager
(561) 383-2540, Direct #
(561) 585-9498, Fax
gdunham@manalapan.org

GENERAL TERMS & CONDITIONS

Description of services to be performed is detailed in the pages that follow.

CONTRACT START DATE: April 1, 2005

DURATION OF CONTRACT: One year with month to month extension

CONTRACT DAYS & TIMES: Monday - Saturday (excluding holidays)
8:00 A.M. - 6:00 P.M.

CONTACT: Gregory L. Dunham, Town Manager **TELEPHONE NO:** (561) 383-2540

This Contract, General Terms & Conditions, Instructions, Technical Specifications, Attachments and/or any other pertinent document form a part of this contract and by reference are made a part thereof.

GENERAL TERMS AND CONDITIONS, INSTRUCTIONS AND INFORMATION FOR BIDDERS:

1. GENERAL INFORMATION

This document constitutes the entire contract for Grounds Maintenance Services.

2. NON-COLLUSION

No premiums, rebates, or gratuities are permitted, either with, prior to or after any delivery of material or provision of services. Any such violation may result in contract cancellation, return of materials or discontinuation of service and the possible removal from the vendor bid list(s).

4. CONFLICT OF INTEREST

The contract hereunder is subject to the provision of Florida Statutes and Town Code of Ordinances.

The Contractor, by affixing his signature to the contract, declares that the contract is made without any previous understanding, agreement, or connections with any Town official and without any outside control, collusion or fraud. By signing the contract, the Contractor further declares that no Town Commissioner, other Town officer, or Town employee directly or indirectly owns more than five (5) percent of the total assets or capital stock of the proposer entity, nor will directly or indirectly benefit by more than five (5) percent from the profits or emoluments of this contract.

5. LEGAL REQUIREMENTS

Federal, State, County and Town laws, ordinances, rules and regulations that in any manner affect the items covered herein apply. Lack of knowledge by the Contractor shall in no way be cause for relief from responsibility.

Contractors doing business with the Town are prohibited from discriminating against any employee, applicant or client because of race, creed, color, national origin, sex or age with regard to but not limited to the following employment practices, rates of pay or other compensation methods and training selection.

6. MISTAKES

Contractor must check the contract where applicable, mathematical errors are at the Contractor's risk.

7. AVAILABILITY OF FUNDS

The obligations of the Town of Manalapan under this contract are subject to the availability of funds lawfully appropriated for its purpose by the Manalapan Town Commission.

8. EEO STATEMENT

It is the policy of the Town to comply with all Federal, State, County and local laws to provide minorities and women equal opportunity for participating in all aspects of the Town's contracting and procurement programs. It is further policy of the Town to comply with all Federal, State, County and local laws to prohibit discrimination against any person or business in pursuit of these opportunities on the basis of race, color, national origin, creed, sex, age, handicap or veteran's status. In connection with work performed under a Town of Manalapan contract, the contractor agrees, to support and abide by the Town's Equal Opportunity Pledge. (Attachment B)

11. CONTRACTUAL AGREEMENT

The Invitation to Bid shall be included and incorporated in the final award and shall constitute a portion of the contract together with the bid response and all specification documents. Any and all legal action necessary to enforce the award will be held in Palm Beach County with attorney fees awarded to the prevailing party, including all appeals.

12. TERM OF CONTRACT

The term of this contract shall be for a period of one year: April 1, 2005 through March 31, 2006, unless sooner terminated, and will be extended month to month until terminated. After the

initial one year period, any extension will be based on the Contractor maintaining all prices, terms and conditions for each successive month until termination.

13. FIELD ADJUSTMENTS

The Town shall reserve the right to make site improvements upon its property which shall include, but not be limited to, sod, irrigation, landscape design and construction projects. Site changes that affect the scope of services shall result in modification in compensation to the Contractor as mutually agreed upon by both the Town and the Contractor.

14. CONTRACT COORDINATORS

The Town has assigned two (2) Contract Coordinators for the work to be performed: Gregory L. Dunham, Town Manager and Mark Hull, Utility Director. All contractual matters shall be forwarded to them through Town Hall, (561) 585-9477.

15. INFORMATION

Any questions by the contractor concerning this contract should be addressed to Gregory L. Dunham (561) 383-2540, Interpretations of the contract or additional information as to its requirements, where necessary, shall be communicated to contractor by written addendum.

16. PROJECT LOCATION

Contract areas are listed in the Technical Specifications portion of this contract.

17. SEQUENCE OF WORK

- a. Contractor shall schedule his or her work as necessary for the completion of the work within the time period specified.
- b. Contractor shall undertake work in such a manner as to not interfere with other operations of the Town in the vicinity during the project period.
- c. All work activities shall be performed between the hours of 8:00 am – 6:00 pm, Monday through Saturday. No work shall occur on Sundays or on the following holidays (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day), except when prior approval to these conditions has been secured from the Town.

18. UTILITIES

It is the Contractor's sole responsibility to locate and protect all existing utilities at the project location. Any damage incurred as a result of the work performed under this bid is the sole responsibility of the Contractor.

19. PAYMENT

The Town will make payment after services have been received, accepted, and properly invoiced on a monthly basis.

20. CERTIFICATION, LICENSES AND PERMITS

Contractor must hold all required Certificates of Competency, Permits, Occupational Licenses and any other certification necessary to complete this contractual agreement. Copies of these certificates, licenses, and permits must be submitted. **A Town of Manalapan occupational license shall be obtained.**

21. COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH

Contractor certifies that all material, equipment, etc., contained in this contract meets all O.S.H.A. requirements. Contractor further certifies that the material, equipment etc. delivered is subsequently found to be deficient in any O.S.H.A. requirement in effect on date of delivery, all costs necessary to bring the material, equipment, etc. into compliance with the aforementioned requirements shall be borne by the Contractor.

22. SAFETY REGULATIONS

Equipment must meet all Federal, State, County and Town safety regulations for grounding of electrical equipment.

23. CODES AND REGULATIONS

The Contractor must strictly comply with all Federal, State, County and Town building and safety codes.

24. INDEMNIFICATION

The Contractor agrees to protect, defend, reimburse, indemnify and hold the Town, it's agents, employees and elected officers and each of them, free and harmless at all times from and against any and all claims, liability, expenses, losses, suits, costs, fines and damages (including attorney fees) and causes of action of every kind and character against or from the Town by reason of any damage to property or the environment, or bodily injury (including death) incurred or sustained by any party hereto, or of any party acquiring any interest hereunder, and any third or other party whomsoever or any governmental agency, arising out of or incident to or in connection with the Contractor's performance under this Agreement. The Contractor's acts, omissions or operations hereunder, or the performance, nonperformance or purported performance of the contractor or any breach of the items of this Agreement; provided, however, the contractor shall not be responsible to the Town for damages resulting out of bodily injury or damages to property which

the Contractor can establish as being attributable to the sole negligence of the Town, it's respective agents, servants, employees or officers.

The indemnification shall include, but not be limited to, suits, actions, or claims brought because of any injuries or damages sustained by any person or property on account of the Contractor's operations in connection with the contract; or in consequence of any neglect in performing the work; or because of any act or omission by the Contractor.

25. CONTRACTOR RESPONSIBILITY

Contractor shall be responsible for ensuring that all employees are in compliance, at all times, with Terms, Conditions and Specifications outlined in this Contract. The Contractor shall be responsible for obtaining all necessary permits, licenses, and/or registration cards, in compliance with all applicable Federal, State and Local statutes pertaining to services as specified.

26. SUPERVISION

Contractor shall provide an adequate number of trained, qualified Supervisors capable of providing adequate field supervision to accomplish the services.

The Contractor's Supervisor will complete a walk-thru after each service to confirm that the defined quality and scope of service was performed. At the end of each maintenance day, all walks, drives, road surfaces and open space areas will be free of any loose materials, trash or debris.

Each Supervisor, to the satisfaction of the Town representative, shall be capable of verbal and written communication and shall be able to adequately communicate with the service workers.

The Town representative may request the Contractor to remove any Supervisor if it is determined the individual is not performing the service in accordance with the terms and conditions of this contract.

27. EMPLOYEES

Persons employed by the Contractor in the performance of services pursuant to this contract shall not be considered employees of the Town, shall be independent thereof and shall have no claim against the Town as to pension, workers compensation, insurance, salary, wages or other employee rights or privileges granted by operation of law, and shall be 18 years of age or older. Under no circumstances will any employee of the Contractor be permitted to allow minors (under 18 years of age) and/or anyone who is not an employee of the contractor to enter any Town facility at any time for any reason.

All personnel shall be required to wear proper attire, which, at a minimum includes a standard shirt carrying the company name and/or logo, present a good appearance and maintain a professional code of conduct. All personnel shall wear a safety vest with reflective striping when

working within the road right of way. The personnel shall observe the applicable F.D.O.T. maintenance of Traffic Standard, when working in the road right of way. The Contractor will insure that all County, State of Florida, OSHA and other applicable safety regulations are met.

28. VIOLATIONS OF CONTRACT: DEFAULT

A. Violations of Contract:

1. Failure to provide quality service and complete the entire scheduled service visit or correct deficiencies identified by grounds inspectors. Follow-up written reports will be mailed concurrently with verbal notification. Corrective actions must be complete within 72 hours of telephone notification. In the event of disagreement with regard to visual quality service between the inspector and the Contractor, the Town Manager shall view the disputed conditions and his/her decision shall be final on both individuals.

2. All work must be continuous and commence on schedule (or approved adjusted schedule), and be completed within twenty four (24) hours of scheduled time.

3. Failure to act in a professional manner.

B. Default:

If the Contractor shall fail to meet the requirements of the contract as provided herein, the Town shall put Contractor on notice in writing to the address shown on the bid response delineating specific deficiencies. Contractor shall have three (3) days to correct the deficiencies or make suitable alternate provisions to the satisfaction of the Town. If after the three (3) day period, the deficiencies have not been corrected, the Town shall hold the Contractor in default and immediately cancel the contract in accordance with paragraph #29 below. Contractor will be charged \$50.00 per day for failure to remove debris, vegetation, etc. as specifically set forth in the technical specifications.

29. TERMINATION

A. Immediate: In the event of a default by the Contractor as set forth in paragraph #28 above, this contract shall immediately be terminated. All Town property (keys, etc.) shall be returned prior to final payment. Contractor shall be paid for services rendered prior to termination of the contract.

B. Two Weeks Notice: During the initial one year period of this contract, Town may terminate it without cause at the end of a specified calendar month upon two weeks prior written notice sent to Contractor at the address shown on the bid response. Thereafter, either party may terminate the further extension of this contract without cause at the end of a specified calendar month upon two weeks prior written notice as applicable sent to Contractor at the address shown on the bid response or actually delivered to the Town Clerk at Town Hall.

30. PROTECTION OF PROPERTY

The Contractor shall at all times guard against damage or loss to the property of the Town of Manalapan or of other vendors or contractors and shall be held responsible for replacing or repairing any such loss or damage. The Town of Manalapan may withhold payment for reimbursement or replacement for loss or damage to property attributed to negligence of the Contractor or his/her agents.

31. INSURANCE REQUIRED

It shall be the responsibility of the Contractor to provide evidence of the following minimum amounts of insurance coverage prior to the start of work. Failure to provide this written evidence prior to the commencement date may be grounds for immediate cancellation of this Contract.

Workers compensation and employer's liability coverage to apply to all employees for statutory limits in compliance with applicable State and Federal laws.

Commercial General Liability shall have minimum limits of \$100,000 Per Occurrence Combined Single Limit for Personal Injury, Bodily Injury and Property Damage Liability. Coverage shall include Premises and/or Operations, Independent Contractors, Products and/or Complete Operations, Contractual Liability and Broad Form Property Damage Endorsements.

Business Auto Liability shall cover any auto for bodily injury and property damage and shall include owned vehicles, hired and non-owner vehicles, and employee non-ownership with minimum limits of \$100,000, per occurrence combined single limit for bodily injury and property damage.

A signed Certificate or Certificates of Insurance, evidencing that required insurance coverage has been procured by Contractor in the types of amount(s) required hereunder, shall be transmitted to the Town prior to Contractor performing any operations under the terms of the contract.

Except as to Workers Compensation and Employers Liability, said Certificate(s) shall clearly state that coverage required by the contract has been endorsed to include the Town of Manalapan, a municipal corporation of the State of Florida, it's officers, agents and employees as **Additional Insured**. The Certificate of Insurance shall unequivocally provide thirty (30) days written notice to the Town prior to any adverse change, cancellation or non-renewal of coverage thereunder. Said liability insurance must be acceptable to and approved by the Town as to form and types of coverage. In the event that the statutory liability of the Town is amended during the term of this agreement to exceed the above limits, Contractor shall be required, upon thirty (30) days written notice by the Town, to provide coverage of at least equal to the amended statutory limit of liability of the Town.

32. **SEVERABILITY**

If any section or part of a section of these General Terms and Conditions, Instructions and Technical specifications is for any reason held or declared to be inoperative or void by a Florida Court of Jurisdiction, such decision of inoperativeness or act shall not affect the remaining portion(s) of the section(s) involved or any other section of these General Terms and Conditions, Instructions and Technical Specifications.

TECHNICAL SPECIFICATIONS

CONTRACT AREAS - Below is the list of contract service areas for which the Town is seeking firm pricing for grounds maintenance services:

- Area #1** Town Hall – 600 S. Ocean Blvd.
- Area #2** Point Manalapan Gatehouse – **see attached planting plan**
- Area #3** Cul-de-sac on Loggerhead Lane on Point Manalapan – **see attached planting plan**
- Area #4** Audubon Causeway Bridge on Point Manalapan
- Area #5** Audubon Causeway Median on Point Manalapan
- Area #6** Town Library on Point Manalapan
- Area #7** Cul-de-sac on Spoonbill Rd. on Point Manalapan - **see attached planting plan**
- Area # 8** Cul-de-sac on Lands End Rd. on Point Manalapan – this area is not currently landscaped; design will be similar to the other Cul-de-sac's

The Town anticipates the landscape areas not yet landscaped to be completed by October, 2005. However, the Town does not guarantee when or if any of the areas not currently landscaped will be completed.

When awarded the maintenance contract, the Town will compensate the Contractor only for maintenance to landscape areas that have been completed. The Town will add the new landscape areas for maintenance as they are completed.

Directions: Point Manalapan is located at the southernmost end of Hypoluxo Island. Take Ocean Avenue in Lantana to South Atlantic Drive (1st light east of the bridge) and turn south. Follow the road all the way down to Lands End Road. Turn right onto Lands End Road and head south to the Gatehouse, which is the entrance onto Point Manalapan.

EQUIPMENT/SAFETY

All equipment operated on any Town property shall be equipped with guards and/or shields to minimize the possibility of injury to the general public. Machinery not equipped with safety devices shall not be operated at any facility. The Town designee shall inform the contractor when the above conditions are observed. Proper operation of equipment is the contractor's responsibility.

All vehicles shall be maintained in good working order, painted with the name of the company visibly displayed on the vehicle and shall be parked only on pavement when possible, otherwise parked within the Town right of way so as not to obstruct or interfere with pedestrian or vehicular traffic.

DEFINITIONS

a. Mowing - general:

- Mowing shall be performed in a workman-like manner that ensures smooth surface appearance without scalping or leaving any "missed" uncut grass.
- All mowers must be adjustable and adjusted to the proper cutting height and level for the kind of grass and current condition of the turf. Mower blade height adjustment is to be measured from a level floor surface to the parallel and level plane of the mower blade.
- All mower blades are to be sharp enough to cut, rather than to tear grass blades.
- All litter and debris is to be removed from turf before mowing to avoid shredding that will damage turf appearance, or items that may be propelled by mower blades.
- Mowing will be done carefully so as not to "bark" trees or shrubs, intrude into ground cover beds, damage sodded berms, damage sprinkler heads, valves, manifolds, time clocks, curbs, or other facilities.
- Grass clippings or debris caused by mowing or trimming will be removed from adjacent walks, drives, gutters, and curbs or surfaces on the same day as mowed or trimmed. No grass clippings and/or leaves shall be visible after mowing operation is complete. Grass clippings shall be left on the turf areas provided there are not readily visible clumps remaining. Clumps shall be removed from the lawn immediately after mowing. If necessary, the Contractor shall "catch" grass clippings or rake and bag them during or immediately after the mowing operation.
- Mowing will not be done when weather or conditions will result in damaged turf.
- All grasses shall be maintained at a height of four (4) inches, never to exceed six (6) inches unless permitted by the Town.

b. Mowing - specifics:

- Grass is never to be mowed lower than four (4) inches in height.
- Grass shall be mowed weekly, four (4) times per month, April through October, and three (3) times a month from November through March. In months where there are five weeks, one additional mowing may be necessary in order to maintain a weekly schedule.

Special Note: Mowing frequencies can be deleted or increased due to climate factors by the Town's designee.

c. Trimming and Edging:

- **Trimming** - Grass shall be trimmed during, or as an immediate operation following mowing. Trimming may be accomplished by hand or hand power shears or rotary nylon "fish line" cutting machines. Grass will be trimmed the same height as adjacent turf is mowed, and to remove all grass leaves from around all obstacles and vertical surfaces in the turf such as posts, trees, walls, cement medians. Particular attention will be given to trimming around sprinkler heads and other irrigation system fixtures to assure their proper water delivery function.
- **No "fish line" weed eaters are permitted to be used around trees or plant beds so as to prevent damage to the plant materials.** In such instances, Contractor shall remove weeds by hand and/or chemical application (Roundup).
- **Edging** - Mechanical edging (vertical trimming) of all turf edges abutting sidewalks, flush paved surfaces including all road curbs, drives, etc., will be done during or as an immediate operation following mowing. Turf edging at shrub beds, flower beds, ground cover beds, hedges, or around trees where "edging" rather than "trimming" is directed shall be edged with a manual or mechanical edger to a neat vertical uniform line, every mowing cycle.
- Dirt and debris produced by edging or trimming will be removed and swept from adjacent hard surfaces. Grass clippings and dirt must **NOT** be allowed to collect in curb areas.
- Turf will be edged approximately eighteen (18) inches around all trees that are in lawn areas if directed by Town designee. Turf will be edged approximately ten (10) inches out from the drip line of shrubs and hedges.
- **Chemical edging** - Chemical application (Roundup) may be used to kill weeds in and around areas such as planters, areas adjacent to buildings, trees, fence lines, sprinkler heads and cement medians. Prior to application of chemicals, for this purpose all areas shall be trimmed to proper mowing height. Chemical shall be applied in a manner to limit drift to six (6) inches. Contractor is responsible for replacement of all damaged sod/landscape materials at his/her cost. If not replaced within one week of notification, the Town may replace the materials and deduct the cost from the Contractor's pay request.

d. Weed Control - "Landscape Maintenance Weed Control":

- Weeds are to be mowed, trimmed or edged from turf areas as part of turf care operations. Weeds are to be manually removed or chemically removed from shrubs, hedges, ground cover or flower beds two (2) times per month.
- Weeds are to be removed from walkways, walkway and curb gutter expansion joints and along fence lines and cement noses of concrete medians.
- Contractor may use contract herbicides for killing spots of weeds in Floratam and Bahia grasses, with prior permission from the Town's designee.

e. Pruning:

- **Shrub and Hedge Care** - Maintain shrubs in a healthy, growing correct-color condition and in the shape and area specified, or as specifically directed by Town designee.
- **Hedge Trimming** - Hedges or topiary that is to be maintained in a geometric form may be sheared by manual or mechanical hedge shears to shape and size specified by Town designee. Hedge trimming will be done once a month. Remove all cuttings and clippings from pruning and trimming operations on the same day as operation occurs.
- **Palm Trees** shall have dead fronds removed as they occur. Dead fronds shall be removed from the palm head and trunk of any palm species up to the defined height of 16' 0". Dead palm fronds that have fallen to the ground, are to be removed at each mowing.
- **Shade trees** shall be pruned and trimmed per National Arborist Association specifications for pruning of shade trees to keep the trees healthy and to maintain the natural character of the individual species. For purposes of this Section, required pruning is limited to a height of 16' 0", providing for the use of extendable power pruners. Pruning may include the following items:
 - to remove sucker growth and to maintain clear visibility between grade and a height of six feet.
 - dead, dying or unsightly parts of the tree
 - sprouts growing at or near the base of the tree trunk
 - branches that grow towards the center of the tree
 - crossed branches that may rub together
 - multiple leaders of a tree that normally have only one stem
 - nuisance growth that interferes with view, walks, lighting or signage
 - nuisance growth that indicates potential conflict with people
 - branches that have strong potential for damage by storms (preventative)
 - branches that have been damaged by storms (post storm event)

No climbing spikes will be permitted. Pruning paint is prohibited. Sharp and proper pruning tools will remove portions of trees, including any sucker growth. No chemical treatment to sucker growth will be permitted. Branches, dead wood and cutting shall be removed from the job site of pruning and disposed of in an acceptable manner. All lawn and shrub areas damaged by pruning equipment shall be replaced at the Contractor's expense. Do not use hedge shears for pruning. Machetes will not be permitted for any operations,

All trimming and pruning debris is to be picked up and removed from the property on the day of each trimming, by the Contractor and at the Contractor's expense.

f. Litter and Debris Control:

- Litter removal from turf areas and plant beds and designated right-of-way areas shall be complete prior to each mowing operation in the same day.
- Litter to be removed includes paper, glass, trash, undesirable materials or debris (unauthorized paper signs), deposited or blown onto the sites. Palm fronds and tree limbs will also be removed.

- Litter is to be removed entirely from the sites and disposed of in accordance with Town Ordinances.
- *All debris, limbs and fronds will be picked up the same day of pruning. Failure to pick up debris will result in a \$50.00 per day fee, as long the debris remains which shall be deducted from Contractor's pay request.*

g. Mulch:

Mulch shall be added to plant beds (where it already exists) in order to maintain a depth of three inches at all times. Beds shall be clear of weeds prior to new mulch being applied to plant beds.

h. Raking:

Contractor shall rake plant beds in areas where there is no mulch in order to keep a neat appearance.

i. Blowing/Clearing:

The Contractor shall use a blower to clear all walkways, parking lots and curbs along roadways to ensure a neat, clean appearance after mowing operation.

j. Damaged Property:

- The Town shall replace any landscape, irrigation, or structures damaged by maintenance operations or due to negligence in performing contract work and shall charge these costs to the Contractor. Contractor will be notified prior to replacement or repair by Town designee.
- Contractor shall notify the Town's designee immediately upon discovery of any damage at any contract facility.
- Contractor shall notify the Town's designee immediately upon discovery of any diseased/damaged turf areas, trees, plant materials, etc.
- **Improper use of line trimmers/chemical herbicides:** Improper use of chemical herbicides or line trimmers resulting in damage or destruction to plants will not be an acceptable practice. Plants damaged by line trimmers will be replaced at the Contractor's expense with plants of equal value. Sod or landscape damaged by the improper use of herbicides will be replaced at the Contractor's expense. **Line trimmers shall not make contact with any landscape plants/trees.**

k. Fertilization:

- **SOD** – The fertilizer shall be a granular fertilizer with composition of 16-4-8 or 15-5-15. It shall be a complete fertilizer (containing both major and micro nutrients), sulfur coated, time released, and applied at a rate of 1 lb. Of nitrogen per 1,000 sq. ft. of sod. St. Augustine and Bahia shall be fertilized three (3) times yearly, during the following months: January, April, and October. Cost of fertilizer and application shall be included in the contract. Contractor shall adjust the irrigation systems accordingly prior to applying the fertilizer. If heavy rain

season, Town may request a fourth application of fertilizer to all contract areas if needed using a general fertilizer 6-6-6 at no extra charge to the Town. Contractor shall notify the Town when they plan to apply the fertilizer so the Town can provide additional watering on the fertilized areas if needed.

- **TREES, SHRUBS, & GROUND COVER** – Fertilizer shall be applied to all trees, shrubs and ground covers with exception of Pine Trees, Sabal (Cabbage) Palms, Wax Myrtles, and Saw Palmettos. Fertilizer shall be commercial grade. Fertilizer shall be 8-10-10, sulfur coated, time released, or as recommended because of specific species. Granular fertilizer can be utilized for plants on level terrain. Plants established on slope condition where run off is likely, fertilizer shall be in tablet or spike form, specifically designated for the species being fertilized.

Chemical analysis sheets for all fertilizer to be applied shall be submitted to the Utility Department, prior to application, particularly Palm Tree fertilizer, along with recommended application rates as noted by the manufacturer.

Trees (excluding palms) shall be fertilized three (3) times per year: March, June, and October; at a rate specified by the manufacturer. Granular fertilizer shall be applied on level maintenance areas at the drip line of the trees in a 4" wide band around the tree.

All shrubs and ground covers shall be fertilized by broad casting the fertilizer over the landscape beds three (3) times yearly: March, June, and October at a rate of 1 lb. of fertilizer per every one (1) inch of main stem. No fertilizer shall be applied at the base against the trunks or stems of the plants.

- **PALMS** – All palms (excluding Cabbage Palms) shall be fertilized two times yearly (March & September) using a "Palm Special" fertilizer. Spike form only (similar to "Lutz" brand Palm Tree Maintenance Spikes). Fertilizer used shall be complete with Magnesium, Potassium and micronutrients. Material shall be applied at label rates. Fertilizer analysis shall be submitted to the Utility Department prior to application.

Fertilizer used for palms shall meet or exceed the chemical analysis quantities appearing on the "Lutz" Palm Tree Maintenance Spikes.


Note: For bidding purposes, if Lutz is used, ONE application per year is required, other spike fertilizers will be applied twice yearly, unless label rates specify differently.

L Irrigation

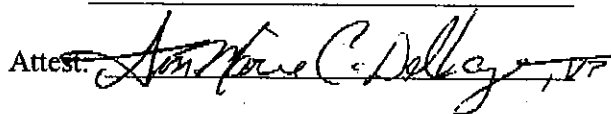
- The Contractor shall be responsible for inspecting the irrigation systems, during each service. The inspection shall consist of inspecting the systems for proper operation of the pumps, controllers, valves, timers, electric and water supply. The Contractor shall go through the entire system zone by zone, clean, adjust and repair all broken sprinkler heads and nozzles and inspect for any leaking pipes. The Contractor shall trim and clean around all sprinkler


heads and adjust heads, as needed to provide free flow of water. The Contractor shall also be responsible for setting the times of the clocks and operation times of the system.

- The Contractor shall notify the Town of visible irrigation system problems.
- The Contractor shall provide the Town an hourly rate to perform all other irrigation systems repairs such as broken pipes, mainlines, suction lines, pumps, controllers, valves and timers. The Contractor will provide to the Town copies of all invoices for parts at costs needed for the repairs of the irrigation system and shall be reimbursed by the Town on a monthly basis.
- The Town shall be notified immediately (by 3:30 pm of the present working day), of any inoperable systems, (i.e. pumps failing to come on).
- All damaged irrigation system components shall be reported by the Contractor to the Town designee. **Components damaged by the Contractor's equipment or personnel will be replaced by the Contractor at the Contractor's expense.**

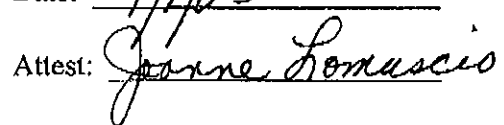

Chris Wayne & Associates, Inc.

Date: 03-27-05

Attest: 
Anthony C. Delaney, VP


Town of Manalapan

Date: 4/1/05

Attest: 
Joanne Lombascio

ATTACHMENT A



REFERENCE FORM

Company Name: Healthonics
Address: 3106 Vinings Ridge Dr.
Atlanta, GA 30339

Contact Name: Jim Naftel
Title: President
Phone: (770) 955-2006

Contract Date: Beginning: 2000 Approx. No. Acres 13

Project Description: maintain properties throughout the
state of Florida

Company Name: Historic Northwood
Address: 509 33rd St.
West Palm Beach, FL 33407

Contact Name: John Lindgren
Title: owner and board member
Phone: 515-6500

Contract Date: Beginning: 10/18/04 Approx. No. Acres 2.5
Project Description: maintenance of some residence and
common area spaces.

Company Name: 3133 Collin Dr.
Address: West Palm Beach, FL 33406

Contact Name: Kerry or Terri Batt
Title: owner
Phone: 313-4110

Contract Date: Beginning: 5/14/84 Approx. No. Acres 1
Project Description: Installed new irrigation system
and sod. Annual contract-maintenance.

Emergency Contact:

Name: Chris Dellago
Phone Number: Business Hrs. (507-1934) After Hours: 746-4225
cell

ATTACHMENT B



PROCUREMENT SERVICES

EQUAL OPPORTUNITY PLEDGE

All Contractors and Suppliers must agree to the following:

- A. The Contractor/Supplier will not discriminate against any employee or job applicant because of his or her race, creed, color, sex, marital status, or national origin.
- B. The Contractor/Supplier will post in a conspicuous place, available to all employees and job applicants, a copy of this pledge.
- C. The Contractor/Supplier will, in all solicitations or advertisement for job applicants place to cause to be placed, a statement that the Contractor/Supplier is an "Equal Opportunity Employer."

Compliance with this Equal Opportunity Pledge is mandatory of all Contractors/Suppliers. Failure to sign and return this pledge may result in your Contract/order being canceled, voided or suspended in part or whole.

Chris Wayne Associates, Inc. as a Contractor/Supplier, for the Town of Manalapan, Florida pledges itself to support and abide by this Equal Opportunity Pledge.

Ann Marie C. Delaney
AUTHORIZED SIGNATURE

15863 97th DR N
ADDRESS

Jupiter, FL 33478
CITY STATE ZIP

02-14-05
DATE SIGNED

ATTACHMENT C



BID CERTIFICATION

() Individual () Partnership
☒ Corporation () Other (Specify)

Name of Company (or Individual): Chris Wayne and Associates, Inc.

Address: 15863 97th Dr. N. Jup. FL 33478

Telephone Number: (561) 746-4225 Fax Number: (561) 746-8991

Email Address: cwa@chriswayneinc.com

Tax Identification #: 20-1399029 Addenda Received: Corrected Attachment D
pages (5) pgs 10, 11

Bidder's Representative: Chris W. Dellago

Title: President, CEO

Proposed Total Fee to Provide Requested Service: \$ 17,700

The undersigned certified under oath the truth and correctness of all statements and of all answers to questions made hereinafter:

IN WITNESS WHEREOF, the Proposer hereto has executed this Bid Certification Form this 15 day of February, 2005.

(CORPORATE SEAL)

ATTEST:

Haika Kayfus
Printed Name

BIDDER:

Ann-Marie C. Dellago
Printed Name

[Signature]
Signature

Financial Center mgr.
Title

02/15/05
Date

[Signature]
Signature Authorized Officer

Vice President
Title

Feb. 15, 05
Date

State of FL }
County of Palm Beach

On this the 15 day of February, 2005, before me, the undersigned Notary Public of the State of Florida, personally appeared Anna-Marie Delgado (Name(s) of Individual(s) who appeared before Notary) and whose name(s) is/are subscribed to (within instrument, and he/she/they acknowledge that he/she/they executed it.

WITNESS my hand and official seal

[Signature]
NOTARY PUBLIC
STATE OF FLORIDA



Halke A Kayfus
My Commission DD140990
Expires August 12, 2008

Personally known to me:

Produced Identification: FDX # D420043775500

Type of Identification Produced: FLDL

ATTACHMENT E



DRUG-FREE WORKPLACE FORM

The undersigned firm in accordance with Section 287.087, Florida Statutes,

hereby certifies that Chris Whone & Associates, Inc. DOES / DOES NOT.
(Name of Business) (Circle appropriate response)

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace, specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the danger of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, and any available drug counseling.

By: Ann Marie C. Delgado
Signature Authorized Officer

Date: February 14, 05